



# Quickscribe Reporter

Civic Laws

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## QUICKSCRIBE NEWS:

### Quickscribe Welcomes New Contributor

We are thrilled to announce the addition of an experienced lawyer who will be contributing ongoing annotations to the Quickscribe site.

[Nancy Harwood](#), a lawyer and principal with [The Harwood Safety Group](#), will act as Quickscribe's official expert for Occupational Health and Safety law. Nancy has practiced in the area of occupational health and safety law for over 20 years, including as a director in the Prevention Division of WorkSafeBC, and for the past six years, as principal of The Harwood Safety Group. She provides legal advice on regulatory compliance matters and conducts respectful workplace investigations for a wide range of industry clients. The Group also provides consulting expertise in safety training, OH&S program development, accident investigations and occupational exposure control, including relating to the COVID-19 pandemic. Visit Nancy's [public profile page](#) for more information.

### New Update Resolves Recent Issues

Quickscribe recently released a series of platform updates which included a fix for some minor bugs. The update has resolved the issue stemming from Chrome popups blocking certain PDF functionality. We have also updated the official Hansard links so that they point to the new URL locations. Work is also in progress to upgrade the version of the Quickscribe platform which will result in significantly faster load times.

### Legislation could Extend Emergency Orders for One More Year: Attorney General

[Proposed act](#) also allows for the creation of regulations that provide protections to "responsible" and compliant businesses and groups from civil liability related to COVID-19. A physically distanced B.C. legislature opened Monday [June 22] to the announcement that the BC NDP government will seek to extend emergency orders for up to a year. Read the [full article](#) at the *Time Colonist*.

### Latest Annotations

New annotations were recently added to Quickscribe. The annotations include contributions from

- [Jeff Waatainen](#), DLA Piper LLP – [Forest Act](#)

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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**FEDERAL LEGISLATION** – For notification of federal amendments, we recommend you use our [Section Tracking](#)  tool.

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## CATEGORIES

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## COMPANY &amp; FINANCE

## Company and Finance News:

**COVID-19 Tax Update: CRA Releases National Business Resumption Plan**

On June 23, 2020, the CRA released its National Business Resumption Plan (the "NBRP") for CRA employees. This follows the CRA's previous announcement that it would be transitioning from a critical services mode to a business resumption mode on June 26, 2020. The NBRP serves as a guide for the CRA's business resumption transition, though it will no doubt be subject to change over the coming weeks and months. Furthermore, the CRA re-emphasized its prior statements that the transition to full business resumption will be gradual and that its employees will not all return to work right away. The NBRP outlines the CRA's approach to business resumption, with an emphasis that it is a live draft and expected to change as public health and economic circumstances change over time. Importantly, the CRA notes that any programs or activities scheduled to resume after August 2020 are not yet confirmed and remain subject to change. Read the [full article](#) by [Chris Canning](#) with Thorsteinssons LLP.

**COVID-19 and the Frustrated Contract Act**

As of June 1, 2020, the Supreme Court of British Columbia has resumed some operations, and therefore businesses with operations in British Columbia should be aware of the [Frustrated Contract Act](#) (British Columbia) (Act). The Act is likely to become more significant because of the COVID-19 pandemic. Businesses with operations in Alberta and Ontario should also be aware that those provinces have virtually identical statutes that share many similarities with the Act. Read the [full article](#) by [Alexandra Luchenko](#), [Keith Marlowe](#), [Andrew Kavanagh](#) and [Sean Gallagher](#) with Blake, Cassels & Graydon LLP.

**BC's New Legislation on Benefit Companies**

As of June 30, 2020, for-profit businesses that are committed to conducting business in a responsible and sustainable way will be able to demonstrate their commitment by becoming a benefit company under the British Columbia [Business Corporations Act](#) (the Act). British Columbia is the first Canadian jurisdiction to implement legislation to establish benefit companies. Introduced in the State of Maryland in 2010, and now adopted in 36 U.S. states, benefit company legislation is intended to enable a company to promote social goals while being protected from claims that doing so would breach director fiduciary responsibilities. What is a benefit company? A benefit company is a for-profit company that commits, by a "benefit statement" and "benefit provision," to conduct its business in a responsible and sustainable way and promote one or more "public benefits": Read the [full article](#) by Trevor R. Scott, Andrew MacDougall and Sagar Memon with Osler, Hoskin & Harcourt LLP.

**Marketplace Rules Amended to Streamline Reporting Requirements**

On June 18, 2020, the Canadian Securities Administrators (CSA) [announced the adoption of amendments](#) to marketplace rules to streamline reporting obligations and introduce specific requirements regarding cyber resilience. Specifically, in order to reduce the regulatory burden on marketplaces, amendments to [National Instrument 21-101 Marketplace Operation](#) include eliminating the need for marketplaces to report certain information (for example the requirement to report historical employment information for partners, directors and officers) and changing the timelines respecting the reporting of certain other information (for example changing the requirement to file non-significant amendments to information provided in Form 21-101F1 or Form 21-101F2 from monthly to quarterly). Read the [full article](#) by Stikeman Elliott LLP.

**Income Tax Act Amendments**

Recent amendments to the [Income Tax Act](#) establish a new BC child opportunity benefit, replacing the early childhood tax benefit. While the early childhood tax benefit was available to children up to the age of six, the new benefit will apply to children up to age 18. The changes will be fully implemented on October 1, 2020.

**Tax Court Update on Getting Back to Business – Top Ten Takeaways**

On June 25, the Chief Justice and Associate Chief Justice of the Tax Court of Canada ("TCC") provided a second reopening update. Here are our top ten highlights.

1. The Government of Canada business continuity plan was transitioned on June 5 and, consequently, as of June 22, 25% of the TCC's registry staff have returned to their offices, along with law clerks and administrative support personnel. With staff back in the TCC's offices, it may be possible to pay filing fees as early as July 6 for appeals instituted during the shutdown.
2. While the TCC is not yet "up and running", it has embarked on what will be an ongoing process to get back to the "new normal". Available staff have been digitizing all file materials that have not been entered since March 16, with an expectation of bringing active files up to date by July 3.

Read the [full article](#) by Stevan Novoselac and John Sorensen with Gowling WLG.

### BC Securities – Policies & Instruments

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

- [BCN 2020/06](#) – Notice of Amendments to BC Instrument 45-530 Exemptions for Securities Issued by a Cooperative Association  
The Commission is revoking and replacing BC Instrument 45-530 Exemptions for Securities Issued by a Cooperative Association to modernize the co-op exemption.
- [44-102](#) – CSA Notice of Amendments to National Instrument 44-102 Shelf Distributions and Change to Companion Policy 44-102CP Shelf Distributions relating to At-the-Market Distributions
- [21-101](#) – CSA Notice of Approval Mandatory Post-Trade Transparency of Trades in Government Debt Securities, Expanded Transparency of Trades in Corporate Debt Securities and Amendments to National Instrument 21-101 Marketplace Operation and Related Companion Policy
- [43-311](#) – CSA Staff Notice 43-311 Review of Mineral Resource Estimates in Technical Reports
- [21-101](#) – CSA Notice of Approval - Amendments to National Instrument 21-101 *Marketplace Operation* and Changes to Companion Policy 21-101CP *Marketplace Operation*
- [24-102](#) – Instrument 24-102 Clearing Agency Requirements
- [25-402](#) – CSA Consultation Paper 25-402 *Consultation on the Self-Regulatory Organization Framework*
- [31-358](#) – CSA Staff Notice 31-358 – *Guidance on Registration Requirements for Chief Compliance Officers and Request for Comments*

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Corporations Act	June 30/20	by 2019 Bill M209, c. 20, whole Act in force by <a href="#">Reg 105/2020, Business Corporations Amendment Act (No. 2), 2019</a>
Business Practices and Consumer Protection Regulation (294/2004)	June 26/20	by <a href="#">Reg 150/2020</a>
Credit Union Incorporation Act	June 22/20	by 2019 Bill 37, c. 39, sections 105, 111, 112 (a) (part), (b) and (c) only (in force by <a href="#">Reg 141/2020</a> ), <a href="#">Financial Institutions Amendment Act, 2019</a>
Designated Accommodation Area Tax Regulation (93/2013)	June 1/20	by <a href="#">Reg 41/2020</a>
Financial Institutions Act	June 22/20	by 2019 Bill 37, c. 39, sections 1 (a) and (f), 9 (a) (part), (b) and (c), 10, 11, 18, 27, 28 (a), 29 and 42 (a), (b) (part), 43 (part), 48, 57, 58, 60 (part), 71 (a), 72, 74 (a) and (d), 75 (a), 76, 79 (d) and (e) only (in force by <a href="#">Reg 141/2020</a> ), <a href="#">Financial Institutions Amendment Act, 2019</a>

Financial Services Authority Rule-Making Procedure Regulation (141/2020)	<b>NEW</b> June 22/20	see <a href="#">Reg 141/2020</a>
Income Tax Act	July 1/20	by 2019 Bill 5, c. 7, sections 4, 10, 18 to 20 and 22 only (in force by Royal Assent), <a href="#">Budget Measures Implementation Act, 2019</a>
Mountain Caribou Partnership General Remission Regulation (140/2020)	<b>NEW</b> June 22/20	see <a href="#">Reg 140/2020</a>
National Instrument 24-102 <i>Clearing Agency Requirements</i> (27/2016)	June 19/20	by <a href="#">Reg 136/2020</a>
Tax and Royalty Interest (COVID-19 Emergency) Remission Regulation (/2020)	<b>NEW</b> June 29/20	see <a href="#">Reg 163/2020</a>

## FOREST & ENVIRONMENT

### Forest and Environment News:

#### **Frustration and Force Majeure: Unexpected Events and Contractual Non-compliance**

While public health and economic issues are ubiquitous in the media's coverage of COVID-19, the pandemic also raises a mind-boggling array of legal issues. Indeed, issues of legal liability are often connected to the consequences of COVID-19 for public health and the economy. For example, the Government of BC's Public Health Officer issues orders to protect public health through potential legal liability on account of noncompliance, and that potential liability may constrain economic activity.

Issues of legal liability associated with COVID-19 are not, of course, limited to the realm of public regulation, but also arise in the context of the legal relationships among private parties. Contracting parties may fail to meet their obligations to one another on account of the pandemic. In these circumstances, the question quickly becomes: what legal remedies are potentially available to provide relief from liability for such a failure? Read the [full article](#) by [Jeff Waatainen](#) in the Summer 2020 issue of *BC Forest Professional* magazine.

#### **Modernized Contaminated Sites Regime Coming to British Columbia**

On June 9, the Ministry of Environment and Climate Change Strategy in British Columbia made [Ministerial Order No. 182](#) (MO 182), which amends the [Contaminated Sites Regulation](#) (CSR) to align with [Bill 17](#), the *Environmental Management Amendment Act* (Bill 17). Together, these amendments alter the contaminated site identification process in BC.

Bill 17 was approved in May of 2019 after a multi-year review and consultation process that identified a number of weaknesses in the contaminated site regime. The amendments will take effect on February 1, 2021, and are intended to streamline site identifications while capturing contaminated sites that were previously left unregulated. Bill 17 makes the following notable changes to the [Environmental Management Act](#):

- Replaces the term "site profile" with "site disclosure statement."
- Simplifies the conditions under which a site disclosure statement is required to be submitted.
- Requires that a site disclosure statement be submitted to the registrar as opposed to the director, to streamline the collection of information.
- Adds responsibilities of the "operator of the property" in addition to existing responsibilities of the "owner of the property," to ensure the person associated with the contaminated site is captured in the disclosure requirements.

Read the [full article](#) by Max Collet with Norton Rose Fulbright Canada LLP.

#### **Environmental Appeal Board Decisions**

There was one Environmental Appeal Board decision in the month of June:

Environmental Management Act

- [GFL Environmental Inc. v. District Director, Environmental Management Act](#) [Interim Relief Application #3 – Date Variations Granted]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Boundaries Regulation (137/2014)	June 26/20	by <a href="#">Reg 152/2020</a>
Administrative Penalties ( <i>Environmental Management Act</i> ) Regulation (133/2014)	June 29/20	by <a href="#">Reg 162/2020</a>
Administrative Penalties ( <i>Integrated Pest Management Act</i> ) Regulation (134/2014)	June 29/20	by <a href="#">Reg 164/2020</a>
BC Timber Sales Regulation (381/2008)	June 22/20	by <a href="#">Reg 142/2020</a>
BC Timber Sales Business Areas Regulation (243/2003)	<b>REPEALED</b> June 26/20	by <a href="#">Reg 152/2020</a>
Closed Areas Regulation (76/84)	July 1/20	by <a href="#">Reg 169/2020</a>
Designation and Exemption Regulation (168/90)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Hunting Regulation (190/84)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Limited Entry Hunting Regulation (134/93)	July 1/20	by <a href="#">Reg 169/2020</a>
Motor Vehicle Prohibition Regulation (196/99)	July 1/20	by <a href="#">Reg 169/2020</a>
Recycling Regulation (449/2004)	June 29/20	by <a href="#">Reg 162/2020</a>
Wildfire Regulation (38/2005)	June 26/20	by <a href="#">Reg 157/2020</a>
Wildlife Act Commercial Activities Regulation (338/82)	June 26/20	by <a href="#">Reg 158/2020</a>
	July 1/20	by <a href="#">Reg 169/2020</a>
Wildlife Act General Regulation (340/82)	July 1/20	by <a href="#">Reg 169/2020</a>
<b>HEALTH</b>		

## Health News:

### Assisted Living Regime in BC is Under-regulated and Under-researched: Report

Many seniors in assisted living residences in BC seemingly do not meet the legislative requirements for assisted living, [according to a new report](#). The Canadian Centre for Policy Alternatives, the Hospital Employees' Union and the B.C. Health Coalition released the report titled *The Place of Assisted Living in BC's Seniors Care System: Assessing the Promise, Reality and Challenges*, which concluded that the assisted living sector in BC was under-regulated and under-researched. These findings were supported by interviews of care aides and licensed practical nurses. Under the [Community Care and Assisted Living Act](#), SBC 2002, c 75, seniors residing in assisted living residences should be able to make, on their own behalf, the decisions necessary for them to live safely, should be able to recognize the existence of an emergency, should be able to protect themselves or to follow directions during such an emergency and should not regularly require unscheduled professional health services.

### BC Health Officials Reopening Care Homes to Visits

BC provincial health officer Dr. Bonnie Henry and Health Minister Adrian Dix announced Tuesday [June 30] that the province will be easing visiting restrictions at its long-term care facilities, which have been at the centre of the COVID-19 pandemic in British Columbia. To start, once the facilities have completed a COVID-19 safety plan using WorkSafeBC guidelines, Henry said residents at long-term care facilities with no active cases will be able to have a single designated visitor who they can meet in a designated area in each facility. Read the [Vancouver Sun article](#).

### Change is Coming to British Columbia's Health Professional Regulatory Framework – Here Is What Is Being Proposed

Changes appear to be on the horizon for BC's health professional regulatory framework, and it could be significant. In March of 2018, the BC Minister of Health initiated an inquiry into the College of Dental Surgeons of British Columbia, as well as a review of BC's [Health Professions Act](#) and the model of health profession regulation in BC as a whole. In April 2019, *An Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act* (the "Cayton Report") was released with recommendations to overhaul and improve health professional regulation in the Province. In response, the Minister of Health established the Steering Committee on Modernization of Health Professional Regulation to investigate the best approach to modernize the regulatory framework. Read the [full article](#) by Siobhan McConnell with Gowling WLG.

### Youth Addicted to Drugs Can be Forced into Care under Proposed BC Law [Mental Health Act Amendments]

The provincial government has approved the controversial practice of forcing youth with severe addictions into treatment. Teenagers with severe drug addictions can be forced to stay in hospital, against their will, if they have a serious overdose, under [new provincial legislation](#) introduced on Tuesday [June 23].

"This is a new and much-needed tool in our tool box to help youth with severe substance use challenges and their families," Judy Darcy, the minister of mental health and addictions, said in a statement. "Experts are telling us this emergency measure is vital to ensure the immediate safety of young people in crisis." Read the [full article](#) published in *The Province*.

### LifeLabs Failed to Protect Personal Health Information of Millions, Commissioners Say

LifeLabs failed to protect the personal health information of millions of Canadians, resulting in a "significant privacy breach," according to a joint investigation by Ontario and BC's information and privacy commissioners. Last December, the laboratory testing company revealed it had been the target of a large cyberattack affecting the private information of 15 million Canadians – mainly residents of BC and Ontario. The joint investigation found the company failed to implement reasonable safeguards to protect the personal health information, which violated BC's personal information protection law, Ontario's health privacy law and the *Personal Health Information Protection Act*. Read the CBC [article](#).

### Health Law Bulletin – British Columbia

On June 17, 2020, British Columbia's Provincial Health Officer released a [letter](#) addressed to businesses looking to test employees for COVID-19. In it, she confirmed that, in British Columbia, the recommendation is that only symptomatic individuals and individuals otherwise identified by a health professional should be tested, and routine testing of asymptomatic people is not recommended. Serological testing is recommended for public health and research only. If businesses do test their employees, they still must continue to comply with public



health measures to prevent transmission. The Provincial Health Officer also reminded employers of the laboratory accreditation process. On June 22, 2020, the province introduced [Bill 19](#), the *COVID-19 Related Measures Act*. The Act will formalize necessary ministerial orders created in response to the pandemic as the state of emergency is lifted. Previous orders will be extended for either 45 or 90 days after the end of the state of emergency. The Act will also allow the government to extend orders for up to one year after the Act is brought into force, if required to respond to a second wave.

Act or Regulation Affected	Effective Date	Amendment Information
Drug Plans Regulation (73/2015)	June 5/20	by <a href="#">Reg 123/2020</a>
	June 26/20	by <a href="#">Reg 156/2020</a>
Health Care Costs Recovery Regulation (397/2008)	June 26/20	by <a href="#">Reg 153/2020</a>
Health Professions Designation and Amalgamation Regulation (270/2008)	June 8/20	by <a href="#">Reg 127/2020</a> and <a href="#">Reg 128/2020</a>
Information Sharing Agreement Prescribed Enactments Regulation (182/97)	June 8/20	by <a href="#">Reg 129/2020</a>
Laboratory Services Regulation (52/2015)	June 22/20	by <a href="#">Reg 144/2020</a>
Meat Inspection Regulation (349/2004)	June 11/20	by <a href="#">Reg 132/2020</a>
Residential Care Regulation (96/2009)	June 1/20	by <a href="#">Reg 118/2020</a>

## LABOUR & EMPLOYMENT

### Labour and Employment News:

#### CERB Payments to be Extended for 2 More Months

Beginning July 5, recipients must sign attestation acknowledging government wants them to work. The Canada emergency response benefit (CERB) is being extended by two more months, even as the government encourages people to look for jobs and to go back to work when it's possible to do so. CERB has provided taxable payments of \$2,000 for up to four months to Canadians who lost income because of the COVID-19 pandemic. Prime Minister Justin Trudeau announced today that the financial supports will be extended for eight weeks for those who still can't work as provinces and territories gradually reopen their economies. Read the CBC [article](#).

#### Canada to Help Employers with Pension and Deferred Leave Plans

As part of its economic response to the ongoing pandemic, the federal government is aiming to temporarily relax some rules in order to help employers keep their obligations when it comes to workers' pension plans and deferred salary leave.

On July 2, federal Finance Minister Bill Morneau announced the release of "draft regulations that would help employers who sponsor a Registered Pension Plan (RPP) or salary deferral leave plan for their employees to manage and maintain their benefit obligations" during the COVID-19 health crisis. Read the [full article](#) by [Terry Davidson](#), published in *The Lawyer's Daily*.

#### When a Temporary Layoff is No Longer Temporary

Many employers have laid off employees in response to the pandemic. Workplaces have been closed, operations restricted and companies have suffered significant financial consequences. For many workplaces, that led to laying off employees on a temporary basis, with the intent to re-employ their work force once the pandemic situation allowed it.

However, under the British Columbia [Employment Standards Act](#) when an employee's hours have been reduced to the point where they are earning 50% less than their usual earnings or less, they are considered to be laid off. To be considered temporary, the intent must be that the worker will be returned to their usual employment. Under the Act, unless the employer and employee agree to a temporary lay off, or there is a contractual right to impose a temporary lay off, a temporary lay off will be considered a termination. Also under the Act a temporary lay off becomes a termination by law if it extends to 13 weeks or more. Given the pandemic there are a number of employees who would fall into this category. Read the [full article](#) by Rose Keith with Harper Grey LLP.

### **COVID-19 Related Temporary Layoffs Extended**

On June 25, 2020, the provincial government announced that temporary layoffs related to COVID-19 can now extend to a maximum of 24 weeks, expiring on August 30, 2020. This change follows the adoption in May 2020 of [Order in Council No. 219](#), which added a new section to the [Employment Standards Regulation](#), B.C. Reg. 369/95 permitting layoffs related to COVID-19 to extend to 16 weeks.

As a result of the most recent change, an employer will be able to lay off an employee who does not have a right of recall under a collective agreement for up to 24 weeks, if the COVID-19 emergency is a cause of all or part of the layoff, and the employee agrees to the layoff. The normal definition of "temporary layoff" under the [Employment Standards Act](#) (the "ESA"), which permits a layoff of up to 13 weeks in any 20-week period, does not apply in those circumstances. Without the extension of time, employers who were not ready to resume their operations after a 16-week layoff would have had to pay their laid off employees severance pay under the ESA notice provision or their employment contract's termination clause, whichever was applicable. Read the [full article](#) by [S. Michelle Blendell](#) of Young Anderson, Barristers and Solicitors.

### **Howard Levitt: Companies Can Have Dress Codes, but They Can't Enforce Them in Racially Discriminatory Ways**

Employers need to tread carefully when preventing certain clothing or accessories from being worn at work. Executives across industries are sending company-wide emails to their employees and releasing public statements expressing outrage over police brutality and acts of anti-Black racism. Never before have so many corporations taken such a public stance, with some CEOs loudly declaring that Black lives matter in statements and media interviews.

But many Black employees find these statements confusing and hypocritical as these announcements and statements of support are inconsistent with their own experiences in those very companies.

Starbucks Corp. was one such company that found itself confronted with accusations of hypocrisy recently. It had made public statements and social media posts supporting the Black Lives Matter movement, but sent an internal memo to employees not to wear Black Lives Matter T-shirts or pins while at work. Once news of these conflicting messages became known, the company faced intense backlash and quickly back-peddled. Read the [full article](#) by Howard Levitt on the *Financial Post*.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	June 18/20	by <a href="#">Reg 135/2020</a>
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	June 18/20	by <a href="#">Reg 135/2020</a>
Employment Standards Regulation (396/95)	June 1/20	by <a href="#">Reg 12/2018</a> and <a href="#">Reg 80/2018</a>
	June 25/20	by <a href="#">Reg 148/2020</a>



Salary Range Regulation (152/2017)	June 22/20	by <a href="#">Reg 146/2020</a>
Social Services Employers Regulation (84/2003)	June 8/20	by <a href="#">Reg 130/2020</a>

## LOCAL GOVERNMENT

### Local Government News:

#### BC Proposes First Steps to Address Sky-high Condo Insurance

Housing Minister Selina Robinson says the legislation proposes to amend the [Strata Property Act](#) and the [Financial Institutions Act](#).

The BC government says [proposed legislation](#) it has introduced takes first steps to address concerns about sky-high costs and availability of insurance for condominiums and other shared properties. Housing Minister Selina Robinson says the legislation proposes to amend the *Strata Property Act* and the *Financial Institutions Act*. Read the [full article](#) in *The Province*.

#### New Local Government Meetings and Bylaw Process Order (MO192)

On June 17, the Minister of Public Safety and Solicitor General issued a new order under the [Emergency Program Act](#) relating to local government meetings and timing requirements for bylaw passage, with the intent of moving local governments toward more normal operations.

Ministerial Order 192 (which can be found [here](#)) repeals and replaces [MO139](#). While still permitting flexible conduct of local government business in light of COVID-19, such as conducting public hearings and Council or Board meetings electronically where necessary, MO192 requires local governments to commence more normal operations by making "best efforts" to allow members of the public to attend open meetings of the local government.

If, despite best efforts, attendance of members of the public cannot be safely accommodated, the Council or Board must adopt a resolution providing the rationale for the continued need to meet without the public present and describing the measures being taken to nonetheless ensure the principles of openness, transparency and accessibility are met. Read the [full article](#) by Andrew Buckley with Stewart McDannold Stuart.

#### Case Commentary: Issuance of Building Permit for Construction of Residential/Commercial Strata "Unreasonable" without Involvement of Architect

In the recent case of [Architectural Institute of British Columbia v. Langford \(City\)](#), the British Columbia Supreme Court conducted a judicial review of the issuance of a building permit for the construction of a residential/commercial strata complex in the City of Langford (the "City"), British Columbia. The project did not involve an architect; the designs and drawings were completed by a designer. The Architectural Institute of British Columbia ("AIBC") sought a declaration that the issuance of the building permit was unreasonable because the provisions of the [Architects Act](#), (the "Act") required the involvement of an architect. Read the [full article](#) by [Karen L. Weslowski](#) with Miller Thomson LLP.

#### Municipalities Press Bottom-line Requirements for Safe-restart Funds

As federal, provincial and territorial governments negotiate "safe economic restart" funding agreements, the Federation of Canadian Municipalities (FCM) today outlined four bottom-line requirements to ensure funds urgently protect frontline services for Canadians and support a nationwide economic recovery.

"From ambulance to clean water to safely-restarted recreation facilities, Canadians need to know that municipal services will keep running strong—and that a full recovery is coming. But that's at risk now with our cities and communities in financial crisis," said FCM President Bill Karsten. "The Prime Minister's safe restart commitment opens a door to solving this. But municipalities need to be part of the conversation, and sufficient funding needs to get to the front lines fast." Read the [full article](#) by *Federation of Canadian Municipalities* (FCM).

#### Recent Lawful Non-Conforming Use Cases

One of the murkiest areas of local government law, for professional land use planners and laypersons alike, is

the law pertaining to lawful non-conforming uses. The basic idea is simple: zoning laws are not retroactive, so land and buildings that are 'lawfully used' may continue to be used despite the enactment of a new zoning law that makes that category of land use unlawful. In British Columbia, the basic idea is fleshed out in what is now Division 14 of Part 14 of the [Local Government Act](#). Most of this Division is concerned with limits on the basic principle, dealing with the effect of discontinuance of the use, change in scale or extent of the use, structural changes in buildings, and the consequences of building damage. A few sections enlarge the scope of the protection from new bylaws, deeming buildings 'lawfully under construction' to be already in use and therefore lawfully non-conforming, and permitting the extension of non-conforming uses throughout a building in which a lawful non-conforming use had been established. Lawful non-conformity has also been addressed in relation to the new rental tenure zoning power: lawful non-conforming forms of tenure in multiple-family residential buildings may continue. From the bylaw administration perspective, a lawful nonconforming use has status similar to a lawful conforming use in that business licences must be issued for non-conforming commercial uses, and building permits have to be issued as well as long as they are not authorizing new construction or (without a board of variance order based on hardship) structural alterations or additions to existing buildings intended to accommodate the non-conforming use. Read the [full article](#) by [Bill Buholzer](#) associate counsel at Young Anderson Barristers and Solicitors, published in the firm's recent newsletter.

### BC Cuts Fees, Not Red Tape for Farmland Home Construction

After getting an earful from BC farmers last year, Agriculture Minister Lana Popham has delivered on some promised changes to restrictions on secondary homes and road maintenance on farms that take effect Sept. 30. The changes for secondary housing may not satisfy families struggling to house enough people to keep family farms going. Popham announced June 26 that individual applications beyond the principal residence will continue to be reviewed by the Agricultural Land Commission and local governments, but the fee to apply is being reduced from \$1,500 to \$900. Read the CBC [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Cannabis Licensing Regulation (202/2018)	June 18/20	by <a href="#">Reg 134/2020</a>
Gaming Control Regulation (208/2002)	June 22/20	by <a href="#">Reg 143/2020</a>
Bylaw Notice Enforcement Regulation (175/2004)	June 1/20	by <a href="#">Reg 121/2020</a>
Independent School Regulation (262/89)	July 1/20	by <a href="#">Reg 97/2020</a>
Liquor Control and Licensing Regulation (241/2016)	June 29/20	by <a href="#">Reg 165/2020</a> and <a href="#">Reg 166/2020</a>
Resort Municipality of Whistler Act	June 26/20	by 2019 Bill 3, c. 5, sections 22 and 23 only (in force by <a href="#">Reg 155/2020</a> ), <a href="#">Municipal Affairs and Housing Statutes Amendment Act, 2019</a>
School Act	July 1/20	by 2020 Bill 8, c. 4, sections 16, 17, 21 and 24 only (in force by Royal Assent), <a href="#">Education Statutes Amendment Act, 2020</a>

## MOTOR VEHICLE & TRAFFIC

### Motor Vehicle and Traffic News:

**BC Gov't Introduces Bill to Offer "Flexibility" around Use of Vehicle Insurance Decals**

The BC government has introduced legislation that may see changes to the use of insurance decals that are placed on vehicle licence plates. [Bill 20](#), the enabling legislation, allows for validation decals to be non-expiring or valid for periods longer than one year and provides for regulations that could authorize ICBC to issue other documents regarding the validity of a vehicle licence instead of issuing decals. Attorney-General David Eby, the minister responsible for ICBC, told reporters that the bill was one component of the move to renewal of vehicle insurance online during the COVID-19 pandemic. Read the *Vancouver Sun* [article](#).

### **COVID-19 Protection Measures for Inland Ferries Remain in Effect**

With increased travel a part of British Columbia's transition to Phase 3 of BC's Restart Plan, passengers on the Province's inland ferry system are reminded to adhere to Transport Canada's COVID-19 safety protocols. Most importantly, all inland ferry passengers travelling by vehicle must remain in their vehicles for the duration of the trip to help protect the safety of passengers and crew. Passengers crossing Kootenay Lake who are not prepared to stay in the vehicle for the full duration of the 35-minute sailing should consider driving the Kootenay Pass instead of taking the ferry. All COVID-19 safety guidelines are set by Transport Canada to reduce the risks of COVID-19. Additional safety measures in place include: Read government [news release](#).

### **BC Road Tests to Resume July 20 after Months-long Pause due to COVID-19**

ICBC road tests are set to resume starting July 20 after being cancelled in March due to the pandemic, but the province warns there is a backlog of tens of thousands of appointments to get through. Attorney General David Eby says now that the province has eliminated the backlog for commercial road tests, there's enough personal protective equipment available to resume road tests for anyone trying to get a non-commercial driver's licence. "There are about 55,000 appointments that had to be cancelled as a result of the COVID public health measures that were taken," Eby said. ICBC is now looking to hire and train more driver examiners and open additional locations to help deal with that backlog. Read the CBC [article](#).

### **CVSE Bulletins & Notices**

The following bulletins and notices were posted recently by CVSE:

- [CT Notice 03-20](#) – Increased Steer Axle Weight and Changes to the Permitting Process for 9-Axle Logging Trucks Approved for Permits Under Letter of Authorization

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

Act or Regulation Affected	Effective Date	Amendment Information
Offence Act	June 22/20	by 2007 Bill 33, c. 14, sections 53 and 54 (b) only (in force by <a href="#">Reg 138/2020</a> ), <a href="#">Attorney General Statutes Amendment Act, 2007</a>
Passenger Transportation Regulation (266/2004)	June 22/20	by <a href="#">Reg 145/2020</a>
	June 30/20	by <a href="#">Reg 266/2004</a>
Superintendent of Motor Vehicles Records Regulation (2/97)	June 26/20	by <a href="#">Reg 154/2020</a>
Violation Ticket Administration and Fines Regulation (89/97)	June 22/20	by <a href="#">Reg 138/2020</a>

## **OCCUPATIONAL HEALTH AND SAFETY**

### **Occupational Health & Safety News:**

#### **New Order Issued for Industrial Camps**

A [new order](#) was recently issued by the Provincial Health Officer July 2nd which updates the requirements for

employers who provide industrial camp accommodations. The amended order requires the employer to arrange for a health officer or a Provincial infection prevention and control officer to inspect the accommodation, worksite, vehicles used to transport workers and vehicles used by workers for work and to transport themselves to and from the worksite in order to determine if the accommodation, worksite and vehicles will support the prevention and control of transmission of SARS-CoV-2, and if possible, to implement the Protocol in a manner that will prevent the risk of transmission of SARS-CoV-2 among workers and to other persons. New industrial camp accommodations will require this inspection before placing workers in accommodation or operating a worksite. This order repeals and replaces an earlier order that was issued on April 23.

### **BC Implementing New Safety Measures for Seasonal Domestic Fruit Pickers**

British Columbia is providing funding for the Okanagan communities to help with the annual arrival of seasonal fruit pickers and to better protect workers', employers' and communities' health and safety with respect to COVID-19. Through the investment, the government is helping set up designated campsite accommodations and ensure they meet health and safety requirements as outlined by the provincial health officer. Read the [full article](#) published by Canadian Occupational Safety.

### **Consultation on Proposed Amendments to Part 8 of the Occupational Health and Safety Regulation**

from WorkSafeBC:

Our Policy, Regulation and Research Division is requesting feedback on proposed amendments to Part 8, Personal Protective Clothing and Equipment, section 8.11(1) – safety headgear, of the [Occupational Health and Safety Regulation](#). The consultation phase provides stakeholders an opportunity to share feedback prior to the proposed amendments being taken to public hearing. Read the full WorkSafeBC [news release](#).

### **OHS Annotations – Coming Soon!**

[Nancy Harwood](#), a lawyer and principal with [The Harwood Safety Group](#), will act as Quickscribe's official expert for Occupational Health and Safety law. Nancy has practiced in the area of occupational health and safety law for over 20 years, including as a director in the Prevention Division of WorkSafeBC, and for the past six years, as principal of The Harwood Safety Group. She provides legal advice on regulatory compliance matters and conducts respectful workplace investigations for a wide range of industry clients. The Group also provides consulting expertise in safety training, OH&S program development, accident investigations and occupational exposure control, including relating to the COVID-19 pandemic. Visit Nancy's [public profile page](#) for more information.

#### **Act or Regulation Affected**

#### **Effective Date**

#### **Amendment Information**

*There were no amendments this month.*

## **PROPERTY & REAL ESTATE**

### **Property and Real Estate News:**

#### **British Columbia Extends Temporary Rental Supplement and Moratorium on Eviction until August 31, 2020**

The province of British Columbia has extended the temporary rental supplement (the "TRS") until the end of August 2020 to support landlords and tenants amid the COVID-19 pandemic. The moratorium on rent increases and eviction for non-payment of rent will also be extended. Both the TRS and moratorium are part of the provincial housing plan (the "Housing Plan") announced by the province on March 25, 2020. See our bulletin [British Columbia Government Announces Housing Initiative Amid COVID-19 Crisis](#). Highlights from the announcement include:

1. **Temporary Rental Supplement Extended** – The province is extending the TRS until August 31, 2020. Applicants already approved for the TRS will not need to reapply, and they will receive an email asking them to confirm plans to reside at the same address through July and August. New applicants have until the end of August to apply, and will be eligible for the TRS for the month their application is received, as well as all subsequent months.

Read the [full article](#) by Sergio Custodio and Kristian Arciaga with Fasken Martineau DuMoulin LLP.

### New Ministerial Order Revises Measures in Place for Residential Landlords & Tenants in British Columbia

On June 24, 2020, the Minister of Public Safety issued a [new ministerial order](#) pursuant to the province's [Emergency Program Act](#) relating to residential tenancies (the "New Order"). The New Order replaces the prior ministerial order dealing with residential tenancies, which we summarized in our blog [here](#). The New Order will impact Landlords and Tenants as follows:

- The New Order applies commencing June 24, 2020 and ends on the date on which the state of emergency (or its extension) expires or is cancelled.
- A landlord can now issue a Notice to End Tenancy for any reason, other than unpaid rent or the late payment of rent.
- Landlords with existing orders of possession may now file them in court beginning July 2, 2020. The Landlord may then enforce a writ of possession immediately afterwards.

Read the [full article](#) by [Maxwell P. Carroll](#), [Jeffrey Hernaez](#) with Lawson Lundell LLP.

### British Columbia Amends the Strata Property Act to Tackle Insurance Concerns

With a bill introduced in the legislative assembly earlier this week, the British Columbia government is proposing amendments to the [Strata Property Act](#) to address concerns over the cost and availability of insurance for strata corporations. [Bill 14](#) proposes a series of amendments that touch on depreciation reports, disclosure, the scope of mandated insurance coverage, and a strata-lot owner's responsibility for a strata corporation's insurance deductible. The bill's amendments include requiring disclosure of "a summary of the strata corporation's insurance coverage" on a Form B Information Certificate. In addition, a strata corporation will be required 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." Another amendment will clearly enable strata corporations to make payments for obtaining and maintaining mandated insurance coverage out of the contingency reserve fund. This legislative amendment works hand-in-hand with a recent change to the [Strata Property Regulation](#). Read the [full article](#) by Kevin Zakreski on the BCLI website.

### Suing for Unpaid Deposits

Generally speaking, if a buyer breaches a contract for the purchase of real estate and the seller accepts the buyer's refusal to perform the contract (as known as "repudiation"), an innocent seller is entitled to retain the deposit paid by the buyer under a contract of purchase and sale. But what happens when a buyer breaches a contract before the deposit is due and payable? Is the seller still entitled to the deposit if the transaction collapses due to the buyer's breach? In a recent decision, the British Columbia Court of Appeal confirmed that a seller is entitled to an unpaid deposit owing under a contract of purchase and sale for real estate, even if the repudiation of the contract is accepted by the innocent party. In its decision in *Argo Ventures v. Choi*, the Court confirmed that a seller can sue for the unpaid deposit even after it has accepted the repudiation of the contract due to the buyer's breach or default. The facts of the case are as follows: In the summer of 2016, the buyers entered into a contract to purchase a property in Port Coquitlam, British Columbia for approximately \$6,500,000, with an initial non-refundable deposit of \$300,000 due within ten business days. The buyers decided not to complete the purchase, despite there being a binding contract, and failed to provide the deposit within ten business days of acceptance (as set out in the contract). The buyers breached the contract (by stating that they would not complete the purchase) before the date the deposit was due. Read the [full article](#) by Lisa Niro of Bell Alliance LLP on the BC Real Estate Association website.

Act or Regulation Affected	Effective Date	Amendment Information
Property Transfer Tax Regulation (74/88)	June 1/20	by <a href="#">Reg 107/2020</a>

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