



Toll Free: 1-877-727-6978

Phone: 1-250-727-6978

Fax: 1-250-727-6699

Email: [info@quickscribe.bc.ca](mailto:info@quickscribe.bc.ca)

Website: [www.quickscribe.bc.ca](http://www.quickscribe.bc.ca)

---

## Vol: III – Issue: IV – April 2021

---

### QUICKSCRIBE NEWS:

#### Quickscribe to Attend LGMA

Quickscribe will be participating as an exhibitor at the annual LGMA conference to be held June 16-17. Owner Mike Pasta (based out of Victoria) will be manning the virtual booth so feel free to "swing by" for a virtual visit! Mike will be fielding your questions and comments and offering demonstrations and short training sessions to those who are interested in learning more about this made-in-BC service. Hope to see you there!

#### New Quickscribe Enhancements

Quickscribe has recently made a few enhancements to the site, including significant progress on the ongoing expansion of historical Bills, which now date back to 1992. Other changes include a redesign of the "Title/Keyword" search tool to make it more obvious for new users to intuitively switch between the two search functions. In the coming months, you will see a significant expansion of historical orders as well as a new supplemental note feature that will provide you with yet another layer of helpful information about each section of law. Stay tuned!

#### Legislative Session

The 2nd Session, 42nd Parliament (2021) commenced on April 12 with the throne speech. The first budget since the pandemic was delivered on April 20th. The budget included significant spending on various social programs, housing and mental health and addiction services. BC's deficit is expected to climb to \$9.7 billion for 2021-2022 and provincial debt to top \$103 billion by 2024. The government has introduced seven new bills and one member bill as of the release of this Reporter.

- [Bill 1](#) – An Act to Ensure the Supremacy of Parliament
- [Bill 2](#) – Public Interest Disclosure Amendment Act, 2021
- [Bill 3](#) – Employment Standards Amendment Act, 2021
- [Bill 4](#) – Budget Measures Implementation Act, 2021
- [Bill 5](#) – InBC Investment Corp. Act
- [Bill 6](#) – Accessible British Columbia Act
- [Bill 8](#) – Public Safety and Solicitor General Statutes Amendment Act, 2021
- [Bill M201](#) – Assessment (Split Assessment Classification) Amendment Act, 2021

A reminder that if you would like to be notified on the progress of these bills or any other legislation, visit the [My Alerts](#) page to set up some custom alerts for laws that matter most to you. We recommend trying the BC Legislative Digest or the new [Keyword Alert](#) options.

#### Latest Annotations

New annotations were recently added to the [Local Government Act](#) by [Bill Buholzer](#) with Young Anderson Barristers and Solicitors.

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 [PDF](#) of this Reporter.

---

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

[\[ Previous Reporters \]](#)

#### CATEGORIES

<a href="#">COMPANY &amp; FINANCE</a>	<a href="#">LOCAL GOVERNMENT</a>
<a href="#">FOREST &amp; ENVIRONMENT</a>	<a href="#">MOTOR VEHICLE &amp; TRANSPORTATION</a>
<a href="#">HEALTH</a>	<a href="#">OCCUPATIONAL HEALTH &amp; SAFETY</a>
<a href="#">LABOUR &amp; EMPLOYMENT</a>	<a href="#">PROPERTY &amp; REAL ESTATE</a>

### COMPANY & FINANCE

#### Company and Finance News:

##### **Federal Budget 2021 – New Rules Mean More Information Being Disclosed and Potentially More Enforcement**

In Budget 2021, the federal government proposes to provide the Canada Revenue Agency (the "CRA") with \$230 million over five years as part of an ongoing focus on enforcing civil liabilities arising under the [Income Tax Act](#) (Canada) (the "Act") and prosecuting criminal tax evasion. This blog provides an overview of two income tax proposals in Budget 2021 which would significantly expand the breadth of information taxpayers may be required to disclose to government officials.

The proposals discussed below are particularly concerning, and potentially constitutionally problematic as information compelled by government officials during administrative procedures can be used to investigate and prosecute criminal tax offenses. Read the [full article](#) by [Greg DelBigio, Q.C.](#) and [Morgan Watchorn](#) with Thorsteinssons LLP.

##### **Coming Soon to the CBCA: Majority Voting and Voting Against Directors**

In May 2018, [An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act and the Competition Act](#) (Bill C-25) received Royal Assent. Certain amendments to the [Canada Business Corporations Act](#) (CBCA) still required supporting regulations to be drafted, however, and were therefore not immediately proclaimed into force. Among these were amendments (Amendments) that would: (i) require certain CBCA corporations to require that separate votes be held (i.e., would prohibit slate voting) for the election of each candidate to the board of directors; (ii) impose a majority-voting requirement where such elections are uncontested (i.e., where there is only one nominee for each available board seat); and (iii) permit shareholders to vote shares for or against (rather than "withholding" shares from voting) each nominee in such uncontested elections. As set out below, Corporations Canada has published [proposed regulations](#) (Regulations) to accompany such Amendments. Read the [full article](#) by [Matthew Merkley](#) and [Eric Moncik](#) with Blake, Cassels & Graydon LLP.

##### **BCFSA Outsourcing Guideline – B-10 Comes to BC**

On February 22, 2021, the BC Financial Services Authority (the "BCFSA") issued a draft Outsourcing Guideline (the "Outsourcing Guideline"). The Outsourcing Guideline is applicable to all provincially regulated financial institutions incorporated in BC (including BC credit unions) that outsource, or contemplate outsourcing, one or more of their business activities.

The Outsourcing Guideline outlines the BCFSA's expectations for outsourcing risk management practices.

BC credit unions will be required to familiarize themselves with the Outsourcing Guideline, as it will be applicable to any outsourcing arrangements entered into by the credit union. To put it (too) simply, a credit union will be considered to have entered into an outsourcing arrangement where it engages a third party to perform any business activity that the credit union can perform itself. Examples of outsourcing arrangements may include document processing, loan administration and human resources services. The Outsourcing Guideline will not apply in circumstances where the credit union is not legally able to perform the business activity on its own. Read the [full article](#) by [Peter Brown](#) and [Lauren Frederick](#) with Edwards, Kenny & Bray LLP.

**BC Securities – Policies & Instruments**

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

- [25-102](#) – CSA Notice of Multilateral Instrument 25-102 *Designated Benchmarks and Benchmark Administrators* Adoption - Multilateral Instrument 25-102 Designated Benchmarks and Benchmark Administrators
- [25-102](#) – CSA Notice and Request for Comment - Proposed Amendments to Multilateral Instrument 25-102 *Designated Benchmarks and Benchmark Administrators* and Changes to Companion Policy 25-102 *Designated Benchmarks and Benchmark Administrators*
- [14-101](#) – CSA Notice and Request for Comment – Proposed amendments to National Instrument 14-101 *Definitions* and Consequential Amendments
- [BC Notice 2021/02](#) – Clarification of Requirements for Crypto Asset Trading Platforms
- [95-302](#) – CSA Staff Notice 95-302 – *Margin and Collateral Requirements for Non-Centrally Cleared Derivatives*

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	May 1/21	by <a href="#">Reg 9/2021</a>
Financial Institutions Act	Apr. 1/21	by 2020 Bill 4, c. 18, sections 62, 64, 65, 67, 68 and 73 to 77 only (in force by <a href="#">Reg 56/2021</a> ), <a href="#">Budget Measures Implementation Act, 2020</a>
Provincial Sales Tax Act	Apr. 1/21	by 2020 Bill 4, c. 18, section 62, 64, 65, 67, 68 and 73 to 77 only (in force by <a href="#">Reg 56/2021</a> ), <a href="#">Budget Measures Implementation Act, 2020</a>
Provincial Sales Tax Rebate on Select Machinery and Equipment Regulation (78/2021)	<b>NEW</b> Apr. 1/21	see <a href="#">Reg 78/2021</a>
Provincial Sales Tax Regulation (96/2013)	Apr. 1/21	by <a href="#">Reg 57/2021</a>

**FOREST & ENVIRONMENT****Forest and Environment News:****Significant Changes to Canada's Federal Environmental Protection Regime Proposed**

On April 13, 2021, the government of Canada proposed significant changes to the [Canadian Environmental Protection Act, 1999](#) ("CEPA") through the introduction of [Bill C-28](#), *Strengthening Environmental Protection for a Healthier Canada Act* (the "Amendments").

With these Amendments, the government hopes to modernize Canada's environmental regime which has not undergone significant change in over 20 years. CEPA is the primary statute through which the federal government regulates and protects the environment. CEPA and its accompanying regulations regulate among other things the treatment and disposal of chemicals and hazardous waste, vehicle and engine emissions, equipment and other sources of pollution, and the prevention and impact of environmental emergencies such as oil and chemical spills.

This bulletin provides an overview of the major changes to CEPA that have been proposed. Read the [environmental bulletin](#) by [Holly Sherlock](#), [Julia Loney](#), [Talia Gordner](#) and [Ralph Cuervo-Lorens](#) with McMillan LLP.

## **Windfalls and Legal Costs: *Victory Motors* Clarifies Contaminated Sites Cost Recovery in British Columbia**

British Columbia's contaminated sites cost recovery regime under the [Environmental Management Act](#) (EMA) is based on a simple premise – "polluter pays" – that has proven complicated to implement. The EMA casts a wide net to catch an array of "responsible persons" connected to a contaminated site, including previous site owners and operators, then provides the courts with broad discretion to allocate retroactive liability for remediation costs between those responsible persons based on certain criteria. The question of how the courts should exercise that discretion has been the subject of much litigation.

In [Victory Motors \(Abbotsford\) Ltd. v. Acton Super-Save Gas Stations Ltd.](#), the British Columbia Court of Appeal clarified two discrete cost allocation issues. First, it confirmed courts should not increase the relative liability of a current owner simply because it was a polluter that benefitted from a remediation, absent evidence of a "windfall." Second, it explained that remediation-related legal costs (as opposed to litigation costs) could be fully recovered as a remediation cost to the extent that they are "reasonably incurred." Read the [full article](#) by [Michael Manhas](#) and [Niles Bond](#) with Norton Rose Fulbright Canada LLP.

## **Canada Has New Ways to Pressure Washington Over Softwood Lumber Duties: Ambassador**

Pressure mounts for Biden administration to address the softwood dispute, says Canada's ambassador to the U.S.

Canada's ambassador to the United States says Canadian officials have new leverage as they urge Washington to negotiate a solution to the long-standing dispute over U.S. duties on softwood lumber. Read the CBC [article](#).

## **Updated Public Health Order – Industrial Camps – April 13, 2021**

From the PHO: This order repeals and replaces the previous order July 20, 2020 with respect to industrial camps and the Order January 12, 2021 with respect to the resource sector worksites and industrial camps in the region of the Northern Health Authority, as designated under the Health Authorities Act. View the updated [Order](#).

## **Federal Carbon Pricing Is Here To Stay: What Does It Mean And What Comes Next?**

On March 25, 2021, a [6 to 3 majority](#) of the Supreme Court of Canada [upheld](#) the federal [Greenhouse Gas Pollution Pricing Act](#) ("GGPPA"), following the joined constitutional challenges of Ontario, Alberta and Saskatchewan. The decision will no doubt become a landmark – not only in constitutional and environmental law, but also in the history of the country's response to climate change.

The Supreme Court recognized federal jurisdiction to establish minimum national standards of greenhouse gas ("GHG") price stringency to reduce GHG emissions.

The authority recognized by the Supreme Court is narrow. The majority rejected approaches that would give the federal government complete control over greenhouse gases, climate change or even setting "national standards" in general.

Nevertheless, the Supreme Court's recognition of the federal government's limited jurisdiction is significant. It signals to the country that climate change is a serious problem requiring intervention at all levels of government. More specifically, it allows the federal government to set the pace and stringency of national carbon pricing, and to compel the Canadian economy as a whole to internalize the costs of carbon emissions. Read the [full article](#) by [Liane Langstaff](#) and [Chris Hummel](#) with Gowling WLG.

## **Key Developments in British Columbia and Federal Environmental Law**

From the Law Firm Borden Ladner Gervais LLP:

We are pleased to present [BLG's review of key developments in British Columbia and federal environmental law](#). The COVID-19 pandemic, reconciliation with Indigenous peoples, climate change, and jurisdictional disputes are key issues that have shaped environmental law in British Columbia and across Canada this past year.

Looking back at 2020 and early 2021, we have highlighted the most significant judicial decisions, regulatory decisions, legislative changes, and policy developments, as well as how these decisions may affect your business in 2021 and beyond. Disputes over natural resource projects, contaminated sites, environmental prosecutions, as well as judicial review or appeal decisions arising from environmental regulatory bodies, have brought many changes to the landscape of environmental law. The COVID-19 pandemic slowed both the federal and provincial legislative processes. However, several significant federal amendments have been proposed, including statutes

related to achieving net-zero greenhouse gas emissions by 2050. At the provincial level, the British Columbia government has implemented new regulations under the [Environmental Assessment Act](#) and introduced new obligations for identifying and addressing contaminated sites through amendments to the [Environmental Management Act](#) and [Contaminated Sites Regulation](#). Read the [full article](#) and download the report.

### Environmental Appeal Board Decisions

There were five Environmental Appeal Board decision in the month of April:

#### [Water Users' Communities Act](#)

- [The Nature Trust of British Columbia v. Comptroller of Water Rights, Ministry of Forests, Lands, Natural Resource Operations and Rural Development](#) [Preliminary Jurisdiction Decision – Granted in Part]

#### [Integrated Pest Management Act](#)

- [Western Aerial Applications Ltd. v. Administrator, Integrated Pest Management Act](#) [Final Decision – Appeal Dismissed]

#### [Wildlife Act](#)

- [Christopher Shawn Kitt v. Deputy Regional Manager, Recreational Fisheries and Wildlife Programs](#) [Preliminary Decision on Jurisdiction – Appeal Dismissed]

#### [Environmental Management Act](#)

- [Pacesetter Mills Ltd. v. District Director, Environmental Management Act](#) [Final Decision – Appeal Dismissed]
- [Border Feedlot Corporation v. Delegate of the Director, Environmental Management Act](#) [Consent Order – Resolved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Hunting Regulation (190/84)	Apr. 22/21	by <a href="#">Reg 112/2021</a>
Limited Entry Hunting Regulation (134/93)	Apr. 22/21	by <a href="#">Reg 112/2021</a>
Motor Vehicle Prohibition Regulation (196/99)	Apr. 22/21	by <a href="#">Reg 112/2021</a>
North American Gypsy Moth Eradication Regulation (102/2021)	<b>NEW</b> Apr. 1/21	see <a href="#">Reg 102/2021</a>
North American Gypsy Moth Eradication Regulation, 2020 (81/2020)	<b>REPEALED</b> Apr. 1/21	by <a href="#">Reg 102/2021</a>
Wildlife Act Commercial Activities Regulation (338/82)	Apr. 22/21	by <a href="#">Reg 112/2021</a>

## HEALTH

### Health News:

#### **B.C. to Ask Feds for Drug Possession Exemption 5 Years into Overdose Crisis**

The province is requesting a federal exemption to decriminalize drug possession, five years after B.C. declared the overdose crisis a public health emergency.

Since April 14, 2016, there have been more than 7,000 deaths related to illicit drug overdoses in this province.

Dr. Perry Kendall, who was B.C.'s provincial health officer at the time, declared the emergency due to "a frightening increase in the number of deaths in the province from illicit drug toxicity." Read the [News1130 article](#).

Act or Regulation Affected	Effective Date	Amendment Information
COVID-19 Related Measures Act	Apr. 19/21	by <a href="#">Reg 107/2021</a>

## LABOUR & EMPLOYMENT

### Labour and Employment News:

#### **Paid COVID-19 Vaccination Leave in Place for B.C.**

On April 27, the BC government's [amendments](#) to the [Employment Standards Act](#) were passed providing employees with up to three hours of paid leave to get each dose of their vaccine. The amendments are retroactive to April 19, 2021.

Pursuant to the amendments, if requested by their employer, an employee must provide reasonably sufficient proof that they are entitled to the leave. However, an employer must not request a note from a medical practitioner, nurse practitioner or registered nurse for the purposes of a request for this leave. Read the [full article](#) by [Veronica S. C. Rossos](#) and [Jenifer C. Gentle](#) with Miller Thomson LLP.

#### **British Columbia Employers Now at Risk of Expedited Workplace Closures**

Effective April 12, 2021, local public health authorities will have the power to order the temporary closure of businesses where confirmed outbreaks of COVID-19 have occurred in the workplace. This power is authorized by a new '[expedited workplace closure order](#)' that was announced by Dr. Bonnie Henry on April 8, 2021.

This power will permit the medical health officer of a local health authority to order the closure of businesses for a minimum period of 10 days where 3 or more employees are confirmed to have transmitted COVID-19 in the workplace. A closure order can either be made in respect of a business as a whole, or for larger employers, in respect of a particular area of the business if transmission has occurred in a particular area. Public health authority staff will be assisted by WorkSafeBC prevention officers, who have been delegated the power to serve closure orders on businesses where outbreaks have occurred. Read the [article](#) by Dianne Rideout and Michelle McKinnon with McMillan LLP.

#### **BCHRT Screening Decision Addresses Worker Denied Entry to Workplace Based On His Refusal To Wear Mask Due To Alleged Religious Reasons**

On April 8, 2021, the BC Human Rights Tribunal (the "Tribunal") issued another screening decision providing guidance on human rights considerations and mandatory mask policies. The Tribunal [previously decided](#) that a customer who claimed they could not wear a mask in a store had to show some medical evidence to the Tribunal to prove they had a disability under the BC [Human Rights Code](#) (the "Code").

In the Tribunal's newest published screening decision, *The Worker v. The District Managers*, [2021 BCHRT 41](#), the Tribunal considered whether an employer had contravened the Code by denying an employee entry because he refused to wear a mask on religious grounds. Read the [full article](#) by [Lauren Soubolsky](#) and [Colton Dennis](#) with McCarthy Tetrault LLP.

#### **Insist or Accommodate?**

As eligibility to receive a COVID-19 vaccination continues to expand across Canada, some employers are considering making this immunization mandatory in their workplaces. But experts recommend that employers be cautious in implementing these measures.

Ryan Watkins, an employment lawyer and partner with Whitten & Lublin in Toronto, says that employers likely have the right to implement a mandatory vaccination policy "to keep the rest of the workforce safe, especially in industries where workers interact with the public." It's worked in other settings, he says, pointing to similar



policies in public schools where students must be vaccinated to attend "unless there is a medical or religious exemption."

Under provincial health and safety legislation, employers have the right to protect their workers, says Watkins, which includes protection from a virus that caused a global pandemic. What if an employee refuses? Read the [full article](#) by Carolynne Burkholder-James published on CBA National.

### **What Federally-Regulated Employers Need to Know About the New Federal Workplace Harassment and Violence Prevention Regime**

The federal government has introduced significant obligations for federally-regulated employers with respect to preventing and addressing occurrences of workplace harassment and violence. The [Work Place Harassment and Violence Regulations](#) (the "Regulations"), and changes to the [Canada Labour Code](#) (the "Code") through [Bill C-65, An Act to amend the Canada Labour Code \(harassment and violence\)](#), the *Parliamentary Employment and Staff Relations Act*, and the *Budget Implementation Act, 2017, No. 1*, came into force on January 1, 2021 ("Bill C-65"). The new requirements apply to all federal workplaces covered under Part II of the Code, including the federal public service, the federally regulated private sector, and parliamentary workplaces. Read the [full article](#) by Nicole Naglie and Lama Kahiel with McCarthy Tetrault LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	May 1/21	by <a href="#">Reg 108/2021</a>
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	May 1/21	by <a href="#">Reg 108/2021</a>
Employment Standards Act	Apr. 27/21	by 2021 Bill 3, c. 10, section 1 only (in force by Royal Assent), <a href="#">Employment Standards Amendment Act, 2021</a>
Employment Standards Regulation (396/95)	Apr. 1/21	by <a href="#">Reg 101/2021</a>

## **LOCAL GOVERNMENT**

### **Local Government News:**

#### **Summary of *Dupont v Port Coquitlam (City)*, 2021 BCSC 728 – The One Tree to Rule Them All**

Councillor Laura Dupont brought a petition for judicial review to quash a resolution of Council of the City of Port Coquitlam ("Council") that declared she disclosed confidential information in breach of the [Community Charter](#), SBC c 26 ("Community Charter") and her duties as a Council Member (the "Resolution"). Council formally censured her, imposed restrictions on her access to confidential materials, and removed her from certain committees.

#### *The Root Cause*

In 2019, the City of Port Coquitlam was engaged in a series of closed discussions pursuant to s. 90 of the *Community Charter* for the purpose of evaluating potential development of a City-owned piece of land located at 2251 McAllister Avenue (the "Site"). Councillor Dupont expressed concerns about the preservation of a specific mature Deodar cedar tree (the "Tree"). She shared information about the proposed development of the Site on various occasions. Specifically, Councillor Dupont shared information during an in-person meeting that included a person who was not attending in any official capacity for the City, and forwarded two e-mails related to the development of the Site and the Tree to members of the community. This information leak was subsequently discovered by Council. Read the [full article](#) by [Thea Hoogstraten](#) and [Melody Cheung](#) with Alexander Holburn LLP.

## **Greenhouse Gas Pollution Pricing Act, 2021 SCC 11**

### **[Local Government Perspective]**

In the *Reference re Greenhouse Gas Pollution Pricing Act*, [2021 SCC 11](#) ("GGPPA"), a Majority decision of the Supreme Court of Canada held that the GGPPA is constitutional and the federal government has jurisdiction to enact minimum national standards of Green House Gas ("GHG") pricing as a matter of national concern under the peace, order and good government clause of s. 91 of the [Constitution Act, 1867](#).

In this landmark decision, Canada's highest court concluded that the GGPPA establishes minimum national standards of GHG pricing, which sets a floor across the country in respect of a broad set of GHG emissions sources, to reduce GHG emissions. The Court also concluded that the federal GHG pricing system does not displace provincial and territorial jurisdiction or regulate GHG emissions generally. Instead, the GHG pricing system gives the provinces and territories the flexibility to design their own policies, including carbon pricing, to meet emissions reductions targets adapted to each province and territory's specific circumstances. The GGPPA also recognizes carbon pricing policies already implemented or in development. Further, it does not require those to whom it applies to perform or refrain from performing specified GHG emitting activities and it does not tell industry how to operate. Read the Lidstone & Company [client bulletin](#).

### **Preventing & Responding to Elected Official Conduct Issues**

A new resource provides guidance on ways to prevent conduct issues by local elected officials, and how best to deal with them if they do arise. Developed by the Working Group on Responsible Conduct (WGRC), this [guide](#) provides advice on fostering responsible conduct, maintaining good governance and resolving conduct issues for those who serve on Councils and Boards. It also includes considerations for local governments that wish to establish an enforcement process within a Code of Conduct.

Articulating an enforcement process within a code of conduct is a relatively new practice in B.C. The guide – *Forging the Path to Responsible Conduct in Your Local Government* – draws on examples from local governments that have included enforcement in their codes to highlight things a local government may wish to consider as it begins to design its own enforcement process. Read the full UBCM [article](#).

### **Booze on the Verge of Being Legal at Some Vancouver Parks and Beaches**

Like a good bottle of wine, the idea has been aging for a long time – and thanks to a motion introduced by the B.C. government Thursday [April 29, 2021], having a glass of sauvignon blanc in Stanley Park may soon be legal.

"Well cheers to that," said park board vice-chair Dave Demers. "It's an idea I brought to the park board, that I've been advocating for, and we're this close."

The Vancouver Park Board approved a plan to allow alcohol in 22 parks and beaches last summer, but needed approval from the provincial government.

[Last week], the province finally gave them a reason to raise a glass.

B.C. Solicitor General Mike Farnworth introduced [Bill 8](#) Thursday, to amend the [Liquor Control and Licensing Act](#) "to authorize the Vancouver park board to designate specific public places under its jurisdiction as places where liquor may be consumed." Read the CTV [article](#).

### **New Legislation to Make BC Communities More Accessible to those with Disabilities**

On April 28th the government introduced Bill 6, the [Accessible British Columbia Act](#). According to the government, the bill will support the identification, prevention and removal of barriers that people with disabilities face in their day-to-day lives. This work will involve developing new accessibility standards in areas including the built environment, employment and delivery of services.

This Bill complements the [Accessible Canada Act](#) and builds upon models for legislation developed in other jurisdictions.

### **Active Transportation Planning Intake**

A new intake for the [Active Transportation Planning](#) program is underway. Regional districts and municipalities in BC with a population of 25,000 or fewer are able to apply for up to \$20,000 in funding. The application deadline is May 21, 2021.

Local governments play a significant role in active transportation by developing integrated community land use



and transportation plans and policies that lead to the implementation of transportation infrastructure networks. The aim of the Active Transportation Planning program is to support local governments to incorporate or enhance active transportation components of formal planning documents (Official Community Plan, Sustainability Plan, Neighbourhood Plan, or Transportation Plan), including research, consultation, and policy development. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Agricultural Land Reserve Use Regulation (30/2019)	Apr. 26/21	by <a href="#">Reg 114/2021</a>
British Columbia Ferry Regulation (151/99)	Apr. 26/21	by <a href="#">Reg 115/2021</a>
Liquor Control and Licensing Regulation (241/2016)	Apr. 7/21	by <a href="#">Reg 105/2021</a>
Liquor Distribution Regulation (611/76)	Apr. 7/21	by <a href="#">Reg 105/2021</a>
Taxation (Rural Area) Act Regulation (387/82)	Apr. 1/21	by <a href="#">Reg 104/2021</a>

## MOTOR VEHICLE & TRANSPORTATION

### Motor Vehicle & Transportation News:

#### No-fault Amendments to the *Insurance (Vehicle) Act* [Now in Force]

On May 1, 2021, the no-fault amendments to the [Insurance \(Vehicle\) Act](#), R.S.B.C. 1996, c. 228, and several related statutes by Bill 11 [Attorney General Statutes \(Vehicle Insurance\) Amendment Act, 2020](#) came into force in British Columbia. A no-fault insurance model bars legal action on motor vehicle accident claims and provides access to increased accident benefits, including medical care and wage loss benefits, regardless of who is at fault.

This summary outlines the key changes to the *Insurance (Vehicle) Act*, focusing on the practical implications for the insurance market. Read the [full article](#) by Leon Beukman, Julia Law and Emily Pitre with Borden Ladner Gervais LLP.

#### Motor Vehicle Act Amendments

Effective April 5th, sections of [Bill 35, 2019](#) came into force. Among other changes, these amendments to the [Motor Vehicle Act](#) adding the definition of "regulated motorized personal mobility device" as well as related definitions, sections which apply to the use of motorized personal mobility devices, and regulation-making authority respecting regulated motorized personal mobility devices.

#### BC Boating Association Reacts to Proposed Watercraft Rental Rule Changes

Transport Canada's proposed [changes to watercraft rental rules](#) could have a severe impact on rental companies across Canada.

If approved, it would make it mandatory for all watercraft renters to have a boating licence.

That's something Andre Plyusnin, owner of SunWave Boat Rentals in Kelowna, said would cripple the rental industry. Read the Global News [article](#).

#### Proposed Legislation Would Impact \$900-Million ICBC Class-Action: Eby

Attorney-General David Eby has advised that his government is proposing a law that would impact the case.

B.C. Attorney-General David Eby has written to the plaintiffs in a \$900-million ICBC class-action case advising that the province is proposing to introduce legislation that he says would have an impact on the lawsuit.

The recently delivered letter was discussed on Monday during an adjournment application filed by the B.C. government and ICBC on the first day of an expected certification hearing in the class-action suit in B.C. Supreme Court in Vancouver. Read the Vancouver Sun [article](#).

### Updates on the CRT's Motor Vehicle Injury Jurisdiction

On March 2, 2021 the BC Supreme Court decided that the CRT's jurisdiction over minor injury determinations and fault and damages claims up to \$50,000 was unconstitutional. This is for claims for vehicle accidents that happened on or after April 1, 2019.

This decision didn't impact the CRT's ability to resolve accident benefits claims.

The BC Supreme Court's decision has been appealed. The [BC Court of Appeal ordered](#) that until the appeal is decided, the CRT can continue to make minor injury determinations and resolve fault and damages claims up to \$50,000.

The BC Court of Appeal's decision allows these claims to be filed in court, too. This means that if you have a claim for a minor injury determination, or fault and damages up to \$50,000, you can choose to file with either the CRT or court. For more information, including where to file a claim for a Vehicle Accident injury, visit the [CRT website](#).

### CVSE Bulletins & Notices

The following notices were posted recently by CVSE:

- [Notice 01-2021](#) – 4th year Apprentices and Trade qualifications
- [Circular 02-21](#) – This circular 01-21 provides clarity about the inclusion of 'storage tanks' in the fixed equipment policy, and in particular, makes it clear that only empty travel is allowed.
- [CVSE 1052 Contacts](#) – Notice to industry that the List of Contacts for use with Form CVSE1052 has been updated (April 9, 2021)
- [Notice NSC 01-2021](#) – Online Knowledge Test Required for Applications Submitted as of April 7, 2021

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

Act or Regulation Affected	Effective Date	Amendment Information
Basic Vehicle Damage Coverage Regulation (4/2021)	<b>NEW</b> May 1/21	see <a href="#">Reg 4/2021</a> , as amended by <a href="#">Reg 62/2021</a> and <a href="#">Reg 117/2021</a>
COVID-19 ( <i>South Coast British Columbia Transportation Authority Act</i> ) Regulation (107/2021)	<b>NEW</b> Apr. 19/21	see <a href="#">Reg 107/2021</a>
Electric Kick Scooter Pilot Project Regulation (90/2021)	<b>NEW</b> Apr. 5/21	see <a href="#">Reg 90/2021</a>
Enhanced Accident Benefits Regulation (59/2021)	<b>NEW</b> May 1/21	see <a href="#">Reg 59/2021</a> , as amended by <a href="#">Reg 62/2021</a> and <a href="#">Reg 117/2021</a>
Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation (60/2021)	<b>NEW</b> May 1/21	see <a href="#">Reg 60/2021</a> as amended by <a href="#">Reg 117/2021</a>
Insurance (Vehicle) Act	May 1/21	by 2020 Bill 11, c. 10, sections 4 to 8, 10 to 12, 16, 19 to 21, 24, 25, 28, 29, 33, 35, and 37 only (in force by <a href="#">Reg 4/2021</a> ), <a href="#">Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020</a> as

		amended by <a href="#">Reg 118/2021</a>
Insurance (Vehicle) Regulation (447/83)	Apr. 28/21	by <a href="#">Reg 117/2021</a>
	May 1/21	by <a href="#">Reg 51/2021</a> , <a href="#">Reg 62/2021</a> and <a href="#">Reg 117/2021</a>
Minor Injury Regulation (234/2018)	Apr. 28/21	by <a href="#">Reg 117/2021</a>
	May 1/21	by <a href="#">Reg 62/2021</a> and <a href="#">Reg 117/2021</a>
Motor Dealer Act	Apr. 5/21	by 2019 Bill 35, c. 36, section 117 only (in force by <a href="#">Reg 90/2021</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2019</a>
Motor Vehicle Act	Apr. 5/21	by 2019 Bill 35, c. 36, sections 106, 109 (a), 110 to 112, 113 (part) and 115 only (in force by <a href="#">Reg 90/2021</a> ), <a href="#">Miscellaneous Statutes Amendment Act (No. 2), 2019</a>
Permanent Impairment Regulation (61/2021)	May 1/21	see <a href="#">Reg 61/2021</a> as amended by <a href="#">Reg 117/2021</a>
Violation Ticket Administration and Fines Regulation (89/97)	Apr. 19/21	by <a href="#">Reg 109/2021</a>
	Apr. 23/21	by <a href="#">Reg 113/2021</a>

## OCCUPATIONAL HEALTH AND SAFETY

### Occupational Health & Safety News:

#### British Columbia Expands Power to Close Businesses in Response To Workplace Covid-19 Transmission

A new public health order has expanded the powers of British Columbia's medical health officers in the fight against the Covid-19 pandemic. [The Expedited Workplace Closure order](#), in effect since April 12, allows medical health officers to temporarily close workplaces where one or more persons has become infected with COVID-19 and it is necessary for the workplace, or part of the workplace, to stop operating in order to prevent further transmission. Businesses subject to an order may be closed for 10 days or longer.

With workplaces identified as one of the most common sources of transmission, the order attempts to quell the recent surge in the number of people infected with COVID-19. Read the [full article](#) by Dana F. Hooker and Kristina Draskovic (Articling Student) with DLA Piper LLP.

#### New Public Health Orders

The Public Health Office (PHO) recently issued the following orders & Guidelines:

- [Workplace and Post-Secondary Institution Safety – April 21, 2021](#) (PDF, 345KB)
- [Variance of Existing Orders to Suspend Reconsideration – April 21, 2021](#) (PDF, 273KB)
- [Food and Liquor Serving Premises – April 21, 2021](#) (PDF, 367KB)
  - Read related [Public Health guidance](#)
- [Industrial Camps – April 13, 2021](#) (PDF, 407KB)
  - [Delegation: Industrial Camps – June 9, 2020](#) (PDF, 216KB)
- [Industrial Projects Within the Northern Health Authority Region – April 13, 2021](#) (PDF, 407KB)
- [Delegation: Workplace Closures – April 11, 2021](#) (PDF, 319KB)

Visit the [PHO website](#) to view these and other related orders and notices.

**WorkSafe BC Updates Guidelines – (April 15)**

– from WorkSafeBC:

A number of Occupational Health and Safety regulation guidelines were updated in April. These include:

Guidelines – Occupational Health and Safety Regulation

- Part 14 Cranes and Hoists
  - G14.13 [Training](#) (revised)
  - G14.29 [Operator protection](#) (revised)
- Part 15 Rigging
  - G15.9 [Wedge socket connections](#) (revised)
- Part 17 Transportation of Workers
  - G17.1 [Application](#) (revised)
  - G17.2-1 [Employer's responsibility](#) (revised)
  - G17.4 [Riding restrictions](#) (revised)
  - G17.6 [Hazardous materials](#) (revised)
  - G17.7 [Carrying animals](#) (revised)
  - G17.8 [Passenger compartments](#) (revised)
  - G17.9 [Boarding and leaving – Docking facilities](#) (revised)
- Part 23 Oil and Gas
  - G23.43 [Ventilation openings](#) (revised)

New and revised guidelines are posted for a 60-day preliminary period, during which time the stakeholder community may [comment and request revisions](#). Visit [WorkSafe BC Updates page](#) for these and other changes.

**WorkSafeBC: Proposed Policy Amendments Regarding Permanent Disability Evaluation Schedule Review**

From WorkSafeBC: The Permanent Disability Evaluation Schedule (PDES) is a guide set out in policy and is used to assess a worker's entitlement to permanent partial disability benefits granted under the loss of function method. The PDES is reviewed every two years to ensure it remains current with medical and scientific methods and approaches to disability assessment.

The PDES Review proposes changes to the Vision Disability section of the PDES concerning photophobia. The changes include revising the ratings for photophobia and adding criteria to the policy. These changes are proposed to ensure policy reflects the nature and degree of the condition and best practices in the field of ophthalmology and ophthalmology assessment.

Our Policy, Regulation and Research Division is releasing a discussion paper on the PDES Review with options and draft policy to stakeholders for comment. You're invited to provide feedback on the options until 4:30 p.m. on August 6, 2021.

Visit [WorkSafeBC](#) for more information and to view the discussion paper.

**Workplace Vaccines: Four Key Things to Consider**

*Legal expert analyses four key issues around workplace vaccines, including the thorny subjects of mandatory shots and human rights*

COVID-19 vaccines are the topic on every employer's mind. Employers have so many questions: Can employers make vaccines mandatory? What to do about employees who [won't or can't receive a vaccine](#)? How to be compliant and also [respect employees' privacy](#)?

It can be hard to figure out what the best way forward is with so much information streaming in every day.

"As time rolls forward, we have a different view than we even would have had two months ago and we have to keep re-calibrating regularly," says Loretta Bouwmeester, partner, Mathews Dinsdale & Clark LLP. Read the [full article](#) by Maia Foulis, published on the Canadian Occupational Safety website.

Act or Regulation Affected	Effective Date	Amendment Information
Workplace Hazardous Materials Information System Regulation (Mines) (257/88)	<b>REPEALED</b> Apr. 1/21	by <a href="#">Reg 7/2021</a>

## PROPERTY & REAL ESTATE

### Property and Real Estate News:

#### B.C. Superintendent of Real Estate Permanently Extends REDMA Early Marketing Deadlines

Effective May 1, 2021, following the expiry of Policy Statement 17 (PS 17) on April 30, 2021, the Office of the Superintendent of Real Estate (BC) (OSRE) will [bring into effect amendments](#) to [Policy Statement 5](#) (PS 5) and [Policy Statement 6](#) (PS 6) to extend permanently the early marketing timeframes that were temporarily changed under PS 17 in order to provide some relief to developers in the midst of the COVID-19 pandemic.

#### *Policy Statements 5 and 6 – Nine Months of Early Marketing*

Under Part 2 of the [Real Estate Development Marketing Act](#) (BC) (REDMA), a developer of a development property is required to make certain disclosure to purchasers of development units and is restricted from the early marketing of those development units except in accordance with specific requirements that are established by the OSRE. PS 5 and PS 6 allow developers to engage in early marketing before obtaining a building permit (PS 5) and a satisfactory financing commitment (PS 6) on two main conditions. Read the [full article](#) by by [Mark V. Lewis](#) and [Sunjeet Grewal](#) with Bennett Jones LLP.

#### Vancouver Landlord Investigated for Short-Term Vacation Rental Leases

*Plan A Real Estate Services says the B.C. [Residential Tenancy Act](#) doesn't apply to vacation properties*

The province is investigating a Vancouver company that offers furnished short-term travel accommodation for allegedly issuing tenancy agreements that contravene B.C.'s rental laws.

Anoop Majithia, director of Plan A Real Estate Services, says his company mainly rents furnished suites in downtown Vancouver for travellers staying in the city for two to four months at a time.

But the Residential Tenancy Branch, which governs rental laws in B.C., says the company's custom "travel accommodation and tenancy agreement" doesn't abide by the province's tenancy laws. Read the CBC news [article](#).

#### Notable Changes to the CCDC 2 Stipulated Price Contract

At the end of last year, the Canadian Construction Documents Committee ("CCDC") introduced an updated version of the CCDC 2 Stipulated Price Contract (the "CCDC 2 (2020)"). The main reasons for updating the CCDC 2 were: (1) the desire to reduce the supplementary general conditions that the parties using the CCDC 2 usually draft to amend the standard general conditions of the CCDC 2; (2) the need to respond to the newly introduced prompt payment legislation (which has been adopted or is being considered to be adopted in several provinces); and (3) a general intent to streamline the terms of the CCDC 2. This article discusses the notable changes to the CCDC 2 (2020). The terms used in this article have the meaning given to them in the CCDC 2 (2020). Read the [full article](#) by Sonia Sahota with Civic Legal LLP – published in the Northern Construction Connection April 2021 Newsletter.

#### The Land Owner Transparency Registry is Now Public

Starting today, April 30, 2021, the Land Owner Transparency Registry ("LOTR") is searchable by the public on [myLTSA](#). In a [previous article](#), we discussed what LOTR is and who is subject to the disclosure requirements of the [Land Owner Transparency Act](#) (the "Act"). We also [previously provided](#) a more detailed overview of the [Land Owner Transparency Regulation](#). Read the [full article](#) by [Matthew Singerman](#) and [Melanee Bryniawsky](#) with Clark Wilson LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Land Owner Transparency Act	Apr. 30/21	by 2019 Bill 23, c. 23, sections 30 to 38 only (in force by <a href="#">Reg 250/2020</a> ), <a href="#">Land Owner Transparency Act</a> , as amended by 2020 Bill 13, c. 14, sections 21 and 22 only, <a href="#">Miscellaneous Statutes Amendment Act, 2020</a>

Land Owner Transparency Regulation (250/2020)	Apr. 30/21	by <a href="#">Reg 250/2020</a> , as amended by <a href="#">Reg 282/2020</a>
Real Estate Services Regulation (506/2004)	Apr. 1/21	by <a href="#">Reg 103/2021</a>
Residential Tenancy Act	Apr. 20/21	by <a href="#">Reg 111/2021</a>

*The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients (without the prior written consent of Quickscribe) is strictly prohibited.*

## QUICKSCRIBE SERVICES LTD.

### DISCLAIMER

The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.

UNSUBSCRIBE FROM THIS EMAIL SERVICE  
To unsubscribe from this service, click [here](#).