



Quickscribe Reporter

Civic Laws

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Vol: III – Issue: V – May 2021

QUICKSCRIBE NEWS:

Legislative Session

Four new government bills were introduced in May:

- [Bill 9](#) – Finance Statutes Amendment Act (No. 2), 2021 (*Partially in force*)
- [Bill 10](#) – Municipal Affairs Statutes Amendment Act, 2021 (*NYIF*)
- [Bill 11](#) – Miscellaneous Statutes Amendment Act, 2021 (*NYIF*)
- [Bill 13](#) – Employment Standards Amendment Act (No. 2), 2021 (*Partially in force*)

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.

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

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CATEGORIES

COMPANY & FINANCE	LOCAL GOVERNMENT
FOREST & ENVIRONMENT	MOTOR VEHICLE & TRANSPORTATION
HEALTH	OCCUPATIONAL HEALTH & SAFETY
LABOUR & EMPLOYMENT	PROPERTY & REAL ESTATE

COMPANY & FINANCE

Company and Finance News:

Canadian Anti-Money Laundering Requirements – Changes Effective June 1, 2021

On June 1, 2021, a series of regulatory amendments made to the [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act](#) (the "PCMLTFA") and regulations over the past few years will come into force, together with changes to guidance issued by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). Our prior summaries of the regulatory amendments can be found [here](#) and [here](#), along with our summaries of the changes to the FINTRAC guidance issued in [February](#), [March](#) and [May](#) 2021. Read the [full](#)

[article](#) by Ana Badour and Shauvic Shah with McCarthy Tetrault LLP.

Bill C-30 – Selected Financial Services Measures

[Bill C-30](#), *Budget Implementation Act, 2021, No. 1* was introduced to the House of Commons for first reading on April 30, 2021. Bill C-30 will enact into legislation new policy measures outlined in the 2021 federal budget released earlier in April, many of which impact financial institutions and other financial services providers, as discussed in our earlier *Blakes Bulletin: 2021 Federal Budget - Selected Financial Services Measures*. This bulletin provides an overview of the specific legislative measures included in Bill C-30 that affect or deal with financial services and related issues. Read the [full article](#) by [Paul Belanger](#), [Bonny Murray](#), [Vladimir Shatiryan](#), [Jacqueline D. Shinfield](#) and [Patrick Sobchak](#) with Blake, Cassels & Graydon LLP.

Cancelled Trips During COVID-19: Consumer Protection BC Weighs in on Travel Refunds under the Business Practices and Consumer Protection Act

Consumer Protection BC recently issued an [advisory](#) informing consumers about their rights under provincial law to receive refunds for travel. Specifically, the advisory suggests, "If eligible consumers take the proper steps to exercise their rights, they should be provided with a full refund in the same way they paid, as outlined in the law." This advisory comes only days after Consumer Protection BC released a [step-by-step guide](#) that explains how consumers can claim refunds for cancelled travel. The guide requires consumers to first address refunds with their travel supplier, such as airlines and tour operators, before filing a complaint with the regulator. A consumer's right to a refund for travel is based on the [distance sales contract provisions](#) of the [Business Practices and Consumer Protection Act](#), S.B.C. 2004, c. 2 (the "BPCPA"). Read the [full article](#) by Miranda Lam, Kirsten Marsh and Heather Mallabone with McCarthy Tetrault LLP.

Who is Caught by Canada's New Retail Payment Systems Regulation?

The federal government introduced legislation to regulate retail payment providers in Canada. The much-anticipated draft of *An Act Respecting Retail Payment Activities* (the "RPAA") is part of the 2021 budget implementation bill ([Bill C-30](#)), which passed second reading on May 27, 2021. The RPAA aims to implement the retail payments oversight framework, which was originally announced in 2017 by the Department of Finance in a consultation paper, *A New Retail Payments Oversight Framework* (the "2017 Consultation Paper"). The RPAA sets out the general framework for the regulation of retail payments activities in Canada, while the details of the regime will be set out in regulations (the "Regulations") enacted by the Department of Finance and guidelines (the "Guidelines") developed by the Bank of Canada (the "BOC") which will be the designated supervisory authority under the RPAA. For participants in the retail payments space, their initial concern will be to determine if the RPAA applies to them. In order to do so, such participants will need to determine if they are required to register under the RPAA. This bulletin will provide an overview of the proposed RPAA and set out some of the factors entities will need to consider when determining if they are required to register pursuant to it. Read the [full article](#) by [Shahen A. Mirakian](#) with McMillan LLP.

Electronic Meetings of Credit Unions Now Allowed Permanently

Historically, the [Credit Union Incorporation Act](#) (the "CUIA") has restricted credit unions from holding entirely electronic meetings of members, primarily due to the requirement in the CUIA for meetings of members to be held at a physical location. That all changed in the wake of COVID-19, with temporary measures introduced by the BC Government in the interest of the health and safety of meeting participants, permitting for the holding of entirely electronic meetings during the time period that BC remained in a state of emergency. Although COVID-19 may eventually be coming to an end, credit unions will continue to enjoy the flexibility of electronic meetings on a permanent basis, due to the BC legislature giving royal assent to the [Finance Statutes Amendment Act \(No. 2\), 2021](#) (the "FSAA") on May 20, 2021. Read the [full article](#) by [Peter Brown](#) and [Lauren Frederick](#) with Edwards, Kenny & Bray LLP.

New Disclosure Rules Aim to Protect BC Investors from Shady Pitches

Promotions of companies with a connection to British Columbia would become more transparent under new rules proposed by the British Columbia Securities Commission (BCSC). The disclosure requirements, being published for a 60-day comment period, would enable people to better evaluate the reliability of statements that encourage investment in issuers of securities, often made with the aim of driving up an issuer's share price. "People should know if someone promoting a stock has a financial or other interest, because that would help them decide how much weight to give the promotion and make better informed investment decisions," said Peter Brady, the BCSC's executive director. Read the BIV [article](#).

BC Securities – Policies & Instruments

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

- [51-102](#) – CSA Notice and Request for Comment Proposed Amendments to National Instrument 51-102 *Continuous Disclosure Obligations* and Other Amendments and Changes Relating to Annual and Interim Filings of Non-Investment Fund Reporting Issuers and Seeking Feedback on a Proposed Framework for Semi-Annual Reporting – Venture Issuers on a Voluntary Basis
- [94-304](#) – 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*
- [BC Notice 2021/03](#) – CSA Notice and Request for Comment – Proposed amendments to National Instrument 14-101 *Definitions* and Consequential Amendments
- [52-112](#) – Clarification of Requirements for Crypto Asset Trading Platforms

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Corporations Act	May 20/21	by 2021 Bill 9, c. 14, sections 1 to 11, 13 and 65 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
Cooperative Association Act	May 20/21	by 2021 Bill 9, c. 14, sections 14 to 26 and 65 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
Credit Union Incorporation Act	May 20/21	by 2021 Bill 9, c. 14, sections 27 to 42 and 65 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
Designated Accommodation Area Tax Regulation (93/2013)	May 1/21	by Reg 9/2021
Financial Institutions Act	May 17/21	by 2021 Bill 8, c. 2, section 7 and 12 only (in force by Reg 132/2021), Finance Statutes Amendment Act, 2021
	May 20/21	by 2021 Bill 9, c. 14, sections 43, 44, 46, 47 and 65 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
InBC Investment Corp. Act	May 20/21	c. 13, SBC 2021, Bill 5 , whole Act in force by Royal Assent
Societies Act	May 20/21	by 2021 Bill 9, c. 14, sections 48 to 60 and 65 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
Training Tax Credits Regulation (243/2007)	RETROACTIVE to May 1/21	by Reg 124/2021

FOREST & ENVIRONMENT

Forest and Environment News:

New Forest Policy to Redistribute Forest Tenures to Small Operators and Indigenous Communities

The BC government has [announced](#) significant changes to forest policy, outlined in a new intentions paper. The proposed changes include what it calls a compensatory framework to redistribute forest tenures to Indigenous Nations, forest communities and small operators. The new policy will also provide for more government control over management of the sector. The goal will be to increase forest tenure held by Indigenous Peoples in BC from 10% to 20%. Other proposed changes will provide for increased access to wood fibre for value-added domestic manufacturers and an audit process of the fee-in-lieu it charges companies when unprocessed logs are exported out of BC. New legislation reflecting these new policies is expected to be introduced in the fall. A summary presentation of government's intentions paper is available here: https://news.gov.bc.ca/files/Modernize_Forest_Policy_Presentation.pdf.

U.S. Move to Double Tariffs on Canadian Softwood Lumber Is "Egregious", Says BC Lumber Trade Council

The president of the BC Lumber Trade Council says a move by the United States to double tariffs on Canadian [softwood lumber](#) is "particularly egregious" given current record high lumber prices. Susan Yurkovich says the dramatic increase in the "all others" preliminary countervailing and anti-dumping rate to 18.32 per cent from 8.99 per cent will hurt American consumers who are faced with a market where prices are at record heights because supply can't keep up with demand. Read the Global News [article](#).

Investigation Finds Old Growth, Biodiversity at Risk near Port Alberni – FPB

An investigation of a complaint about BC Timber Sales' (BCTS) logging of large old growth trees in the Nahmint River Watershed has found that BCTS's forest stewardship plan (FSP) is not consistent with the Vancouver Island Higher Level Plan Order and does not adequately protect old forest and biodiversity values in some ecosystems. Read the Forest Practices Board [news release](#).

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Christine McLean v. Director, Environmental Management Act](#) [Preliminary Issue of Jurisdiction – Appeal Dismissed]

[Integrated Pest Management Act](#)

- [Robert Todd Lang v. Administrator, Integrated Pest Management Act](#) [Consent Order – Penalty Confirmed]

[Water Sustainability Act](#)

- [Denis Lefebvre v. Assistant Water Manager](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Placer Mining Waste Control Regulation (107/89)	May 17/21	by Reg 131/2021

HEALTH

Health News:

Extensive BCCNM Investigation Results in Serious Penalties for Two Nurse Administrators

The BC College of Nurses and Midwives on May 23, 2021, reached consent agreements with Euphemia Guttin ([agreement](#)) and Victoria Weber ([agreement](#)) to resolve complaints about their conduct and competence from 2016-2018 while working as registered nurses in senior leadership roles at the Garth Homer Society in Victoria, B.C. These agreements were reached after a lengthy and complex investigation that spanned approximately three years.

These registrants have had their nursing registration suspended for the past three years pursuant to an interim order of the BCCNM Inquiry Committee in May of 2018 during the course of the investigation into their nursing practice. As part of their consent agreements, Ms. Guttin agreed to a 15-month suspension and Ms. Weber agreed to an 18-month suspension as a result of their unprofessional conduct.

For both registrants, 12 months was considered "time served" given the length of time they were suspended pursuant to the interim order of the Inquiry Committee while the investigation was conducted. Both registrants must complete remedial education prior to a return to practice and will both have limits, conditions, and extensive oversight of their nursing practice for a significant period of time. Read the BCCNM [article](#).

Canada Approves Mixing and Matching Second Vaccine Doses, BC Yet to Confirm Approval

For folks who got a first shot of the AstraZeneca vaccine and want to mix and match it with either Pfizer or Moderna for their second shot, Canada's top doctor, Dr. Theresa Tam, confirmed Tuesday [June 1] what provincial health officer Dr. Bonnie Henry has been hinting at for weeks.

"People who received a first dose of AstraZeneca Covishield vaccine may receive either AstraZeneca Covishield or an mRNA," said Tam.

The guidance originated from the National Advisory Committee on Immunization (NACI) and is based on data from ongoing studies in Europe. Tam advised that those who received Pfizer or Moderna for a first dose could get either shot for their second. Read the CTV news [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Child Care Licensing Regulation (332/2007)	May 17/21	by Reg 130/2021
COVID-19 (Provincial Court Proceedings) (No. 2) Regulation (135/2021)	NEW RETROACTIVE to May 17/21	see Reg 135/2021
COVID-19 Related Measures Act	May 20/21	by 2021 Bill 9, c. 14, section 66 only (in force by Royal Assent), Finance Statutes Amendment Act (No. 2), 2021
	RETROACTIVE to May 17/21	by Reg 135/2021

LABOUR & EMPLOYMENT

Labour and Employment News:

New Minimum Wage Takes Effect June 1st

Effective June 1, 2021, BC's minimum wage increased from \$14.60 to \$15.20 per hour. Liquor server minimum wage of \$13.95 an hour is being eliminated and replaced with the general minimum wage of \$15.20 an hour.

Alert: Extended Relief for Registered Pension Plans and Deferred Salary Leave Plans

On May 20, 2021, the Department of Finance Canada [announced](#) a one-year extension of draft regulations, initially released on July 2, 2020 (2020 Draft Regulations), that are intended to assist sponsors of registered pension plans (RPPs) and deferred salary leave plans (DSLPS) to manage and maintain benefits for their employees through COVID-19.

The one-year extension announced by the Department of Finance Canada was introduced by way of [proposed amendments](#) to the [Income Tax Regulations](#) (2021 Draft Regulations), also released on May 20, 2021. For

further information on the earlier 2020 Draft Regulations, please see our July 2020 [Blakes Bulletin: Draft Pension and Deferred Salary Leave Tax Regulations Released](#). Read the [full article](#) published by the [Pensions, Benefits & Executive Compensation](#) group with Blake, Cassels & Graydon LLP.

Getting Back to Normal: BC's Restart Plan 2.0 and Your Workplace

On May 25, 2021, BC's COVID-19 "circuit breaker" measures officially expired as Premier John Horgan announced the government's new four-step plan aimed toward returning to pre-pandemic life: "[BC's Restart](#)". Although tentative dates were set for each step of BC's Restart, actually progressing to each next step is dependant on declining COVID-19 case counts and an increase of the population vaccinated with dose one. The details of each of the four steps of BC's Restart, including the implications for employers and workplaces, are summarized below. Read the [full article](#) by Duncan Burns-Shillington & Kristina Draskovic (Articling Student) with DLA Piper LLP.

Key Considerations in Responding to Employee Requests to Work from Home

During the pandemic, many employers and employees have demonstrated exceptional adaptability in shifting their place of work from the office to the home. As COVID-19 case numbers decline and a return to office begins, however, some employees may wish to continue working from home. Employers should keep certain key considerations in mind.

1. Employers are not obligated to accommodate an employee's desire to work from home if it is merely a preference. If an employee's request to work from home is based on a human rights entitlement, the employer may have an obligation to accommodate the employee – for example, on the basis of their disability or family status.
2. If an employee requests a human rights-based work accommodation, the employer may ask for reasonable proof of entitlement to the accommodation. Employees requesting accommodation have an obligation to co-operate in the accommodation process, including providing information to assist the employer in understanding what constitutes a reasonable accommodation.

Read the [full article](#) by Laura DeVries and Colton Dennis with McCarthy Tetrault LLP.

CAPSA Updates Pension Plan Funding Policy Guidelines

In May 2021, the Canadian Association of Pension Supervisory Authorities (CAPSA) released updated [Guideline No. 7, Pension Plan Funding Policy Guideline](#). CAPSA was engaged in a consultation process in the fall of 2020 and the updated Guideline is the result of that consultation process.

The updated Guideline No. 7 maintains the useful and clear guidance on pension plan funding policies (including format, content and specific issues such as use of funding excess). However, the updated guideline also contains provisions that relate specifically to target benefit plans. Guideline No. 7 reflects the unique challenge for target benefit plans in which benefit reductions are possible if funding objectives are not met.

Therefore, Guideline No. 7 is an important read for any pension plan sponsor, but with the most recent revisions, target benefit plan administrators should pay particular attention. For the administrators of target benefit pension plans, Guideline No. 7 also provides useful guidance on the following issues. Read the [full article](#) by [Lisa Chamzuk](#) with Lawson Lundell LLP.

50 Is Not the New 40 When Assessing Reasonable Notice of Termination

The plaintiff, Jafeef Mohammed, brought an action against his former employer, Dexterra, for wrongful dismissal. The plaintiff began working with Dexterra as a supervisor in June 2018. He was terminated on November 11, 2019 without cause and given four weeks' notice. He was 51 years old.

Prior to his employment with Dexterra, the plaintiff had worked for a series of different cleaning companies including Sodexo, Marquise, and Hallmark. At his last employer, Hallmark, the plaintiff had worked graveyard shifts. As he got older the plaintiff found this was taking a toll on him and decided to look for a position with daytime hours. In early 2018, the plaintiff asked a former co-worker of his, Mr. Marsh, if he knew of any jobs with the possibility of dayshifts. In particular, the plaintiff asked if Mr. Marsh's employer, Dexterra, had any positions. Mr. Marsh told the plaintiff there were shifts available. Mr. Marsh recommended the plaintiff and he was introduced to Dexterra's senior operations manager. The plaintiff was offered a job. Read the [full article](#) by Deanna Froese with Harper Grey.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	May 1/21	by Reg 108/2021
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	May 1/21	by Reg 108/2021
Employment Standards Act	May 20/21	by 2021 Bill 13, c. 12, sections 3 and 4 only (in force by Royal Assent), Employment Standards Amendment Act No. 2, 2021
Employment Standards Regulation (396/95)	June 1/21	by Reg 12/2018 and Reg 80/2018
Social Services Employers Regulation	May 25/21	by Reg 137/2021

LOCAL GOVERNMENT

Local Government News:

New Legislation to Make Virtual Meetings, Hearings & Other Tools Introduced During COVID Permanent

On May 13, the government introduced Bill 10, [Municipal Affairs Statutes Amendment Act, 2021](#), which if passed, will give local governments new permanent authorities, such as enabling them to hold virtual and hybrid meetings and public hearings in addition to in-person meetings. According to the government, along with the electronic meetings and hearings, the new legislation will amend the [Community Charter](#), the [Local Government Act](#), the [Municipalities Enabling and Validating Act \(No.4\)](#) and the [Vancouver Charter](#). The legislation will:

- expand eligibility for mail ballot voting by bylaw in local government elections;
- permit improvement districts greater flexibility with the timing of their annual general meetings and trustee terms; and
- create new ministerial authorities for borrowing in emergency situations and elections administration matters, allowing the Province to be more responsive in future extraordinary events.

These changes will come into force by regulation once the current COVID-19 emergency authorities for electronic meetings and public hearings are lifted.

Bill 13-2021: Paid Sick Leave

On May 11, 2021, [Bill 13-2021](#), which amends the [Employment Standard Act](#), RSBC 1996 c 113, received its first reading. Bill 13-2021 introduces a paid leave program for employees who are on specified COVID-19-related absences in 2021. It also establishes permanent paid sick leave beginning January 1, 2022.

COVID-19 Paid Leave

Bill 13-2021 proposes to add [section 52.121, "COVID-19-related paid leave"](#). This provision will be in effect once the Bill receives royal assent and is automatically repealed on December 31, 2021.

During the period this leave is in effect, an employee is entitled to receive up to three days of paid leave if the employee has been diagnosed with COVID-19, is in quarantine or self-isolation, or is not working due to the employer's concerns about the employee's exposure to others. Under section 52.121, an employer is required to pay an employee who takes COVID-19-related paid leave an amount based on the average daily rate of pay over the past 30 calendar days, excluding overtime.

Read the [full article](#) published by S. Michelle Blendell, Pam Costanzo and Alexandra Greenberg, Articled Student with Young Anderson Barristers & Solicitors.

Time for Mourning & Call to Action

UBCM president urges implementation of Truth and Reconciliation calls to action and full disclosure of

government and church records that relate to the death of children while in the care of residential schools. Following a report by Tk'emlúps te Secwépemc identifying the location of a mass burial site containing the remains of 215 children on the property of a former residential school, UBCM president Brian Frenkel is urging colleagues to take time to mourn the lost children and reflect upon the testimony of residential school survivors. Frenkel is also calling on the federal government to ensure the implementation of Truth and Reconciliation Calls to Action that relate to missing children and burial information; and for the full disclosure of related records by the federal Government and churches involved in the administration of residential schools. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Regional District of Okanagan Similkameen Land Use Contract Termination Regulation (133/2021)	NEW May 17/21	see Reg 133/2021

MOTOR VEHICLE & TRANSPORTATION

Motor Vehicle & Transportation News:

BC Moves to Refuse Driver's Licence Renewals for Those Who Don't Pay COVID Fines

New legislation means people with outstanding fines have to pay up before renewing their driver's licence. The British Columbia government is trying to put some teeth into the fines issued to people flouting COVID-19 safety orders. New legislation introduced Tuesday [May 11] could see people with unpaid fines have their efforts to obtain or renew a driver's or vehicle licence blocked by ICBC. Read the CBC [article](#).

Transport Canada Approves Changes to Track Safety Rules

Certification process for employees who inspect tracks and supervise the restoration of tracks now required. Transport Canada has approved the changes to the Rules Respecting Track Safety, which specify safety requirements that railway companies must follow when inspecting and maintaining their railway track infrastructure. The changes are the result of a Ministerial Order that was issued in 2020 to address major risks that could cause derailments due to the condition of railway infrastructure. Read the [full article](#) by [Jim Wilson](#) published on the Canadian Occupational Health and Safety website.

Transport Canada's Means of Containment Facilities Registration Program

Transport Canada (TC) is holding a webinar on the upcoming proposed regulations that will introduce new fees for companies who are required to be registered under the Transportation of Dangerous Goods (TDG) Directorate's Means of Containment Facilities Registration Program. TC is proposing to introduce new fees and service standard for TDG's Means of Containment Facilities Registration Program. This program ensures that all Means of Containment used in transporting dangerous goods are designed, manufactured, certified, repaired and maintained according to safety standards referenced in the Transportation of Dangerous Goods Regulations. Read the TC [news release](#).

CVSE Issues National Safety Code Bulletin Re: Electronic Logging Devices (ELDs) in British Columbia

– from CVSE

Highlights from the [bulletin](#):

B.C. is in the process of determining how to implement ELDs for commercial motor vehicles operating within the province. The current intended target for the implementation of a provincial ELD mandate is Summer 2022. More information will become available as the regulatory change process moves forward.

1. What does this mean for B.C. carriers?

- Until B.C.'s regulations are amended, if your vehicles operate solely within B.C., you will not be required to use an ELD until B.C.'s regulations are changed to mandate ELDs.
- As of May 5, 2021, all Canadian jurisdictions have agreed to pause enforcement until at least

June 2022, focusing on education and awareness activities within the industry.

- However, if your vehicles operate into any other Canadian jurisdiction, it is your responsibility to verify the requirements regarding ELDs in each jurisdiction where you plan to travel.

2. What does this mean for carriers from other jurisdictions that operate in B.C.?

- Until B.C.'s new regulations come into effect, drivers of extra-provincially plated commercial vehicles that travel in B.C. may continue to use paper or electronic versions of a daily log.

If you have questions regarding the information in the bulletin, please do not hesitate to contact Christina Hodgkinson-Crook, NSC Program Advisor.

CVSE Bulletins & Notices

The following notices were posted recently by CVSE:

- [NSC Bulletin 01-2021](#) – Electronic Logging Devices (ELDs) in British Columbia
- [Notice 01-20](#) – As per Notice 01-20, effective May 13, 2021 (not prior) the email address that Applicants use to advise RCMP (E_Traffic_Media) as written on Page 2 of your CVSE 1052 Form will be changed. The new email address will be: E_BCHP_Media@rcmp-grc.gc.ca
- [Circular 03-21](#) – New Weight Allowances for Commercial Trucks, Truck Tractors and Buses Powered by Electricity or Hydrogen/Diesel Bi-Fuel, and Changes to Existing Weight Allowances for Full Size Commercial Vehicles Powered by LNG, CNG or LNG/Diesel

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)	NEW May 1/21	see Reg 4/2021 , as amended by Reg 62/2021 and Reg 117/2021
Enhanced Accident Benefits Regulation (59/2021)	NEW May 1/21	see Reg 59/2021 , as amended by Reg 62/2021 and Reg 117/2021
Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation (60/2021)	NEW May 1/21	see Reg 60/2021 as amended by Reg 117/2021
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 Reg 4/2021), Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020 as amended by Reg 118/2021
Insurance (Vehicle) Regulation (447/83)	May 1/21	by Reg 51/2021 , Reg 62/2021 and Reg 117/2021
Minor Injury Regulation (234/2018)	May 1/21	by Reg 62/2021 and Reg 117/2021
Motor Vehicle Act Regulations (26/58)	June 1/21	by Reg 100/2021
Permanent Impairment Regulation (61/2021)	May 1/21	see Reg 61/2021 as amended by Reg 117/2021
Violation Ticket Administration and Fines Regulation (89/97)	May 25/21	by Reg 138/2021

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

Health and Safety at the Construction Site – Apportioning Risk [Relevance to BC]

Construction safety is one of the most, if not the most, important issues for any construction project. Owners and contractors generally treat construction safety issues very seriously. As a result, the apportionment of liability for workplace safety on a construction site is a key term for any construction contract. Typically, owners will seek to shift the liability for ensuring workplace safety and compliance with applicable health and safety legislation to the contractor through the contract terms. Owners do so as risk is best placed where it is best managed and with respect to construction safety the contractor controls the project site and work and is best able to manage this risk.

A recent decision from the Ontario Court of Appeal, however, suggests that, at least in Ontario, the contract language may not be the only factor in determining who is responsible for compliance with applicable health and safety legislation. The owner's actions may make the owner liable for all health and safety matters, particularly if the owner has a presence at the construction site. Read the [full article](#) by Rosalie Clark and Scott Lamb with Clark Wilson LLP.

New Public Health Orders

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

Orders:

- [Gatherings and Events – May 28, 2021 \(PDF, 425KB\)](#)
 - [Variance: Indoor Worship Services – May 26, 2021 \(PDF, 191KB\)](#)
 - [Variance: Outdoor Worship Services – May 26, 2021 \(PDF, 226KB\)](#)
 - [Indoor Exercise Requirements – May 27, 2021 \(PDF, 462KB\)](#)
 - [Extension of the Variance Suspension: Indoor Worship Services on Four Days – April 19, 2021 \(PDF, 208KB\)](#)
 - Read related [Public Health guidance](#)
- [Food and Liquor Serving Premises – May 24, 2021 \(PDF, 339KB\)](#)
 - Read related [Public Health guidance](#)
- [Long-Term Care Facility Staff Assignment – April 15, 2020 \(PDF, 274KB\)](#)
 - [Variance of the Facility Staff Assignment Order – May 16, 2021 \(PDF, 256KB\)](#)
 - [Amendment: Deployment and redeployment of staff - October 26, 2020 \(PDF, 444KB\)](#)
- [Industrial Camps – May 12, 2021 \(PDF, 394KB\)](#)
 - [Delegation: Industrial Camps – June 9, 2020 \(PDF, 216KB\)](#)
- [Workplace and Post-Secondary Institution Safety – May 2, 2021 \(PDF, 339KB\)](#)
- [Advanced Care Paramedic and Critical Care Paramedic SARS-CoV-2 Swabbing – May 2, 2021 \(PDF, 222KB\)](#)

Public Health Guidance:

- [Guidance for Holding Low Risk Worship Services – May 26, 2021 \(PDF, 384KB\)](#)
- [Guidance for Outdoor Assemblies, Rallies, and Protests – May 17, 2021 \(PDF, 370KB\)](#)

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

2021 New or Revised ACGIH Threshold Limit Values and BC Exposure Limits

The Occupational Health and Safety Regulation provides that, except as otherwise determined by WorkSafeBC, an employer must ensure no worker is exposed to a substance exceeding the Threshold Limit Values (TLVs) prescribed by the [American Conference of Governmental Industrial Hygienists](#) (ACGIH). Each year, the ACGIH publishes a list of substances for which they have set new or revised TLVs. When the new or revised TLVs for substances are adopted, these TLVs are referred to as BC Exposure Limits (ELs). An EL is the maximum allowed airborne concentration for a chemical substance for which it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. ELs may be set out as an 8-hour time-weighted average concentration, a 15-minute short-term exposure limit, or a ceiling limit. Read the full WorkSafe [news release](#).

OHS Policies/Guidelines – Updates

WorkSafeBC recently issued the following OHS Updates:

OHS Guidelines – Occupational Health and Safety Regulation

The following guidelines were retired:

- Part 8 Personal Protective Clothing and Equipment
 - G8.21 [Leg protection](#) (retired)
- Part 29 Aircraft Operations
 - G29.12 [Unstable materials](#) (retired)

Editorial revisions were made to the following guidelines:

- Part 3 Rights and Responsibilities
 - G3.16(1.1) [Basic requirements to meet schedule 3-A](#)
- Part 26 Forestry Operations and Similar Activities
 - G26.21-26.22 [Faller training - Application](#)
 - G26.28 [Summoning qualified assistance](#)
 - G26.65(1) [Certified welding inspector](#)

Check the [WorkSafe BC Updates page](#) to explore these and other important OHS updates.

Workers Compensation Claims for Adverse Reactions to COVID-19 Vaccine Possible

WorkSafeBC recently published its position on COVID-19 vaccinations, making it clear that workers compensation claims related to adverse vaccine reactions can be successful. Such reactions – either injury or death – would have to arise "out of and in the course of the workers' employment". That means that getting the vaccine would need to be a requirement of employment. Where an employee receives a vaccination voluntarily, there is likely no right to workers compensation benefits. Read the [full article](#) published Clark Wilson's [employment and labour law lawyers](#).

Act or Regulation Affected	Effective Date	Amendment Information
Workplace Hazardous Materials Information System Regulation (Mines) (257/88)	REPEALED Apr. 1/21	by Reg 7/2021

PROPERTY & REAL ESTATE

Property and Real Estate News:

BC Expands Property Transfer Tax Exemption for Residential Property Purchases

On May 3, 2021, by [Order in Council No. 277](#), the Government of British Columbia amended the [Property Transfer Tax Regulation](#), B.C. Reg 74/88. This amendment relates to the application of the additional property transfer tax payable by foreign purchasers of residential property in specific areas of the province (the "Foreign Buyers Tax") and it expands an exemption introduced June 1, 2020, applicable to a limited partnership with a minority of foreign limited partners. This amendment is retroactive to June 1, 2020.

The exemption introduced last year provided that residential property that would otherwise attract the application of the Foreign Buyers Tax was exempt from the tax if the purchaser was a Canadian corporation that was a general partner of a limited partnership formed or registered under BC's [Partnership Act](#) and the corporation was acquiring the residential property on behalf of the limited partnership, in respect of which: Read the [full article](#) by Mark V. Lewis and Michelle Yung with Bennett Jones LLP.

Public Health "Trumps" Commercial Losses – BC Supreme Court Rules in Favour of Landlords in a COVID-19 Related Termination

Commercial landlords have, in the past year and a half, dealt with many novel issues in relation to COVID-19, often on an emergency basis. Few landlords have had to deal with both public health order violations and gang crime relating to the same tenant, as in a recent decision of the B.C. Supreme Court, *Ivy Lounge West Georgia Limited Partnership v. TA F&B Limited Partnership*, [2021 BCSC 997](#). The court allowed the immediate termination

of an occupation licence where the tenant's conduct was bringing the hotel into disrepute, potentially strengthening landlords' hands to take urgent action. The decision dealt with a licence agreement but it is likely that the same reasoning would apply to a lease.

Ivy Lounge, a bar located in Trump Tower, was issued an immediate Notice of Termination following "ongoing, repeated, and flagrant disregard for Public Health Orders, liquor restrictions" and the tenant's "apparent indifference" towards gang members who frequented the establishment. Read the [full article](#) by [Thomas D. Boyd](#) and [Natasha Sanders](#) with Lawson Lundell LLP.

Recent Changes to REDMA Made Permanent – A Small Change But a Good Change

This blog post highlights certain amendments to British Columbia's [Real Estate Development Marketing Act](#) ("REDMA") Policy Statements 5 and 6 which came into effect May 1, 2021.

Policy Statement 5 sets out circumstances under which a developer is deemed to have permission to begin early marketing of a real estate development before a building permit is issued for the development. Policy Statement 6 sets out circumstances under which a developer may market a development if the developer has not obtained a satisfactory financing commitment to pay for the cost of utilities and other services for the development. Prior to the recent amendments, the early marketing period permitted under Policy Statements 5 and 6 was nine months from the date the developer files the disclosure statement with the Superintendent of Real Estate for the development. Read the [full article](#) by Jisoo Vis, Timothy H. Law and Aaron Kandola with Lawson Lundell LLP.

Alterations (Condo Smarts)

Dear Tony:

What are the limitations that we can impose on an owner who is wanting to undertake alterations to their strata lot? We have an owner who has purchased a penthouse unit and has submitted a request to renovate the space, including the removal of several walls, the installation of 2 new windows and a number of changes to the electrical and plumbing. We have the Standard Bylaw of the Act that applies and have requested before alteration a stamped set of engineering documents, building permits and details of all the renovations. The owner was very aggressive with us and told us we were not being reasonable and has started the renovations without meeting any of the conditions, resulting in a water leak from a severed line. Luckily it was stopped before there was any significant damage, but the owner below now has a stained ceiling. Is the Standard Bylaw sufficient for us to impose these conditions? Read the [full article](#) by Tony Gioventu, published in the CHOA Condo Smarts.

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 Reg 250/2020), Land Owner Transparency Act , as amended by 2020 Bill 13, c. 14, sections 21 and 22 only, Miscellaneous Statutes Amendment Act, 2020
Land Owner Transparency Regulation (250/2020)	Apr. 30/21	by Reg 250/2020 , as amended by Reg 282/2020
Real Estate Services Regulation (506/2004)	Apr. 1/21	by Reg 103/2021
Residential Tenancy Act	Apr. 20/21	by Reg 111/2021

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