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QUICKSCRIBE NEWS:

Recent Legislative Activity

The following government bills were recently introduced:

- [Bill 10](#) – Labour Relations Code Amendment Act, 2022
- [Bill 16](#) – Transportation Amendment Act, 2022
- [Bill 20](#) – Municipal Affairs Statutes Amendment Act, 2022
- [Bill 21](#) – Professional Governance Amendment Act, 2022
- [Bill 22](#) – School Amendment Act, 2022
- [Bill 23](#) – Mental Health Amendment Act, 2022
- [Bill 24](#) – Anti-Racism Data Act

If you wish to be notified when these or other changes come into force, check out Quickscribe's customizable alerts via the [My Alerts](#) page. Quickscribe alerts are included with your subscription so feel free to select the alerts that work best for you!

Stewart McDannold Stuart to Provide Quality Control for Date Calculator

Quickscribe is thrilled to announce that the local, Victoria-based law firm [Stewart McDannold Stuart](#) (SMS) will provide ongoing quality control for Quickscribe's popular Date Calculator tool. The Date Calculator is a dynamic tool that provides local government administrators with an easy way to determine timelines and/or notification requirements for various events including general local elections, by-elections, public hearings, referenda and more.

SMS is an experienced law firm that has been devoted to providing affordable legal services to local governments in British Columbia since 1988. The firm also provides legal services to Regional Health Authorities, Provincial Ministries, and other public bodies and government organizations.

Quickscribe would like to extend a special acknowledgement to [Jessica Eastwood](#) and [Ryan Bortolin](#) for their recent efforts to verify the accuracy of the content within the Date Calculator application.

The Date Calculator is freely available to all [Quickscribe Online \(CivicLaws\)](#) clients and can be accessed via the left navigation once you login to your Quickscribe account. You can expect to see further enhancements to this tool in the future.

Latest Annotations

New annotations were recently added to Quickscribe:

- [Christopher Hirst](#), Alexander Holburn Beaudin + Lang LLP – [Builders Lien Act](#)
- [OnPoint Legal Research](#) – [Family Law Act](#), [Patients Property Act](#)

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

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

View [PDF](#) of this Reporter.

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

[\[Previous Reporters \]](#)

CATEGORIES

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

COMPANY & FINANCE

Company and Finance News:

Hi-cost Credit Rules Kick in May 1st

Effective May 1st, changes to the [Business Practices and Consumer Protection Act](#) come into force that will provide for a new hi-cost credit regime that will regulate brokers and payday lenders. The new rules provide consumer protections to financially vulnerable British Columbians who rely on these high-cost financial services. For more information on these changes, [read the official government news release](#).

A Critical Analysis of the Principal Income Tax Measures from Federal Budget 2022 (and Subsequent Legislative Proposals)

Budget 2022: A Plan to Grow Our Economy and Make Life More Affordable ("Budget 2022") was tabled by the Federal Government on April 7, 2022 ("Budget Day"). The government professed a desire to return to fiscal responsibility after two years of COVID-19 support measures, and introduced a number of significant income tax proposals in furtherance thereof. Our recent [post by Jennifer Flood and Greg DelBigio](#) reviewed the proposals designed to increase the CRA's enforcement powers and prosecute financial crime. In this post, we discuss certain key income tax proposals for individual and corporate taxpayers. This post also considers proposed legislation released by the Department of Finance on April 26, 2022, which cover several of the proposed measures. Read the [full article](#) by [Gloria Wang](#), [Sarah Faber](#), and [Alexander Demner](#) with Thorsteinssons LLP.

British Columbia Court of Appeal Says Shotgun Offer Can't Be Revoked

Be careful before you pull the trigger – this is the main takeaway from the recent decision of [Blackmore Management Inc. v. Carmanah Management Corporation](#), in which the British Columbia Court of Appeal (BCCA) concluded that an "offer" made pursuant to a standard shotgun clause in a shareholders' agreement could not be unilaterally revoked.

Background

The respondent shareholders (Carmanah and Amphitrite; together, the Respondents) elected to invoke the shotgun clause in their shareholders' agreement. Pursuant to the clause, the Respondents delivered a "compulsory offer" to the other shareholder (Blackmore), who then had sixty days to elect whether to sell its shares to the Respondents or purchase the Respondents' shares at a valuation stipulated in the shotgun offer.

Read the [full article](#) by [Jonathan Buysen](#) and [Brendan Kennedy](#) with Stikeman Elliott LLP.

Update on New Legislation for B.C. Credit Unions – Trade Names, Market Conduct Codes, Complaint Resolution Procedures and More

On November 28, 2019, the *Financial Institutions Amendment Act, 2019* (BC) ("[Bill 37](#)") received Royal Assent. Bill 37 modernizes the legislative framework of the [Financial Institutions Act](#) (BC) (the "FIA") and the [Credit](#)

[Union Incorporation Act](#) (the "CUIA") and follows an extensive consultation process conducted by the Ministry of Finance in relation to its review of the FIA and CUIA. Bill 37 introduces significant changes to the regulation of financial institutions in British Columbia. These changes are being implemented in stages. The first set of changes came into force in 2020. On February 17, 2022, the Lieutenant Governor signed orders-in-council bringing into force several more provisions of Bill 37, with effective dates of February 17, 2022, and June 30, 2022. Read the [full article](#) by [Lauren Frederick](#) and [Peter Brown](#) of Edwards, Kenny & Bray LLP.

Swimming Downstream: Supreme Court of British Columbia Clarifies Section 45 of the *Competition Act*

In [Part I](#) of this two-part series, we covered [Jensen v. Samsung Electronics Co. Ltd.](#), where the Federal Court refused certification because the plaintiffs failed to provide sufficient material facts to support a claim for conspiracy under sections 45 and/or 46 of the [Competition Act](#), R.S.C. 1985, c. C-34. This week, we consider the Supreme Court of British Columbia decision of [Latifi v. The TDL Group Corp.](#), [2021 BCSC 2183](#) where the court held that s. 45—a prohibition on conspiracies between competitors—does not apply to "buy-side" or "upstream" agreements for the purchase of products. Read the [full article](#) by [Akiva Stern](#) of McCarthy Tétrault.

BC Securities – Policies & Instruments

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

- [41-101](#) – CSA Notice and Request for Comment *Proposed Amendments and Proposed Changes to Implement an Access Equals Delivery Model for Non-Investment Fund Reporting Issuers*
- [94-101](#) – National Instrument 94-101 *Mandatory Central Counterparty Clearing of Derivatives Adoption - National Instrument 94-101 Mandatory Central Counterparty Clearing of Derivatives*
- [43-401](#) – CSA Consultation Paper 43-401 *Consultation on National Instrument 43-101 Standards of Disclosure for Mineral Projects*
- [41-101CP](#) – CSA Notice of Changes to Companion Policy 41-101CP to National Policy 41-101 *General Prospectus Requirements Related to Financial Statement Requirements*
- [31-103](#) – Publication for comment: Proposed total cost reporting for investment funds and segregated funds
- [25-303](#) – Canadian Securities Administrators (CSA) Staff Notice 25-303 – *2021 CSA Annual Activities Report on the Oversight of Self-Regulatory Organizations and Investor Protection Funds*

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

Act or Regulation Affected	Effective Date	Amendment Information
Business Practices and Consumer Protection Act	May 1/22	by 2019 Bill 7, c. 22, sections 1 (a), 3, 10 (part), 11, 13 to 15 and 16 (part) only (in force by Reg 289/2021), Business Practices and Consumer Protection Amendment Act, 2019 , as amended by 2021 Bill 21, c. 27, section 36 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act (No. 2), 2021
Business Practices and Consumer Protection Regulation (294/2004)	May 1/22	by Reg 289/2021
High-Cost Credit Products Regulation (290/2021)	NEW May 1/22	see Reg 290/2021
National Instrument 94-101 Mandatory Central Counterparty Clearing of Derivatives (129/2017)	Apr. 12/22	by Reg 104/2022
Payday Loans Regulation (57/2009)	May 1/22	by Reg 289/2021

FOREST & ENVIRONMENT

Forest and Environment News:

The Forest Amendment Act, 2021: Bill 28 and Tenure Redistribution

On November 25, 2021, the *Forest Amendment Act, 2021* (otherwise known as [Bill 28](#)) passed through the BC Legislature and received Royal Assent. While it also includes other miscellaneous changes to the *Forest Act* (the Act), the primary focus of Bill 28 is on the expropriation and redistribution of existing harvesting rights. As a government news release announced when Bill 28 was introduced into the Legislature, "government will be able to reduce the timber harvesting rights of existing forest tenure holders, compensate them and then redistribute the timber harvesting rights to First Nations, communities, and BC Timber Sales." One must marvel at the sense of irony in the government House Leader's office given how government's legislative agenda was scheduled so that Bill 28 received the same bill number as the old *Forestry Revitalisation Act* of 2003, the last substantial legislative take-back of harvesting rights in BC, and also known as Bill 28 (the Old Bill 28). Read the [full article](#) by [Jeff Waatainen](#) in the Spring 2022 issue of *BC Forest Professional*.

Key Developments in British Columbia and Federal Environmental Law

There were many important developments in environmental law in 2021. Reconciliation with Indigenous peoples, climate change, and managing industrial impacts were key topics that shaped judicial, legislative, and policy changes in British Columbia and across Canada.

With respect to judicial developments; jurisdictional disputes, approval of industrial developments, contaminated sites, and environmental prosecutions resulted in groundbreaking changes in environmental law. There were also important legislative developments: several significant amendments were proposed, introduced, and passed. At the provincial level, there are new regulations that require more rigorous procedures for operations using fossil fuels. Federally, developments include the introduction of new regulations respecting hazardous waste and recyclables, air pollutants, and gasoline. Read the [full article](#) by [Dionysios Rossi](#), [Alysha Flipse](#), [Marlena McMurtry](#) with Borden Ladner Gervais LLP. The article includes a link to the firm's recent publication of [Environmental Law](#).

Water Security Will Be Growing Focus of ESG Issues in Mining Industry: Bennett Jones Lawyer

BC government recently announced it is developing its first watershed security strategy. The increasing focus governments have put on water security, and water management means the mining industry will need to adapt to new environmental social and governance (ESG) standards, says Bennett Jones partner [Sharon Singh](#). "There have always been water-related issues within the mining industry," says Vancouver-based Singh. She says these issues don't only arise in locations where water is scarce but in regions like Canada where water is seen as abundant. Read the [full article](#) by Zena Olijnyk on *Canadian Lawyer*.

BC Doubles Forestry Revenue Rates for First Nations as Long-term Plans Underway

The BC government says it's doubling the amount of forestry revenue that eligible First Nations receive as the province works on a new forestry revenue-sharing model with First Nations leadership. This interim enhancement is expected to boost First Nations forestry revenue by \$63 million this year, as the shared revenue rates increase by five per cent – from three, four or five per cent to eight, nine, or 10 per cent. This shared revenue rate will be in effect until the province completes its new forestry revenue-sharing model, which is being co-developed with First Nations, and is expected to take at least two years to finalize. Read the *CTV* [article](#).

BC Announces \$19 Million in Funding to Forests Ministry to Fight Climate Change

Both sides on the issue of old-growth logging in British Columbia are so polarized they "can't see the forest for the trees," Forests Minister Katrine Conroy said Thursday [April 28]. Conroy told those attending the BC Council of Forest Industries conference that, though old-growth logging has garnered passionate public debate, she believes the views of most residents fall somewhere in the middle of the extremes. Read the [full article](#) in the *National Post*.

Province Reveals Plans for BC's Upcoming Wildfire Season

The province says it has learned from its mistakes and will apply those lessons to the looming wildfire season. MLA Murray Rankin, Minister of Indigenous Relations and Reconciliation, and Vernon Monashee MLA Harwinder Sandhu held a press conference Tuesday [April 20] to discuss what the province will be doing in 2022 to mitigate wildfires. [Budget 2022](#) provides more than \$2.1 billion to help people recover from the devastating floods and wildfires of last year, and to better protect communities against future climate disasters. Read the *BIV* [article](#).

Environmental Appeal Board Decisions

No Environmental Appeal Board decisions were made in April. Visit the Environmental Appeal Board [website](#) for more information.

Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

[Wildfire Act](#)

- [North Enderby Timber Ltd. and Canadian Cedar Oil Technologies Ltd. v. Government of British Columbia](#)
[Final Decision – Appeals Allowed in Part]

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

Act or Regulation Affected	Effective Date	Amendment Information
Conservation Officer Service Authority Regulation (318/2004)	Apr. 4/22	by Reg 86/2022
Lymantria Moth Eradication Regulation (100/2022)	NEW Apr. 11/22	see Reg 100/2022
North American Gypsy Moth Eradication Regulation (102/2021)	REPEALED Apr. 11/22	by Reg 100/2022
Water Sustainability Regulation (36/2016)	Apr. 1/22	by Reg 84/2022

HEALTH**Health News:****New Legislation Aims to Clarify Rights under *Mental Health Act***

On April 28, the BC government introduced [Bill 23, Mental Health Amendment Act, 2022](#). According to Minister of Attorney General David Eby, the intent of this legislation is to ensure that those individuals who are involuntarily admitted under the [Mental Health Act](#) understand their legal rights. Under the Act, involuntary patients must be informed of their rights when they are involuntarily admitted, transferred to another designated facility, or when their involuntary status is renewed. The Bill also establishes the duties of rights advisers and the responsibilities of directors of designated mental health facilities in facilitating access to the service, which is expected to be available in 2023. Read the official government [news release](#) for more information.

Stigma [Mental Illness] Not the Foundation of a Class Proceeding

In [K.O. v. British Columbia \(Ministry of Health\)](#), the British Columbia Supreme Court dismissed an application for certification of a claim under BC's [Class Proceedings Act](#) ("CPA") in which the proposed representative plaintiff alleged systemic failures in the healthcare system impacting a proposed class of every BC resident since 1974 suffering from a recognized mental illness. The primary allegation by the plaintiff K.O. was that stigma against mental illness was systemic and structural and that the Defendant, the BC Ministry of Health's failure to tackle that stigma constituted both negligence and a violation of the [Canadian Charter of Rights and Freedoms](#) (the "Charter"). Read the [full article](#) by Ricki T. Johnston with Gowlings WLG.

Health Canada Announces Review of All MDMA Trials, as Complaint Alleges Major Flaws and Safety Issues

Concerns about patient safety, reports of increased suicidal thinking, and allegations of flawed research are at the heart of a new complaint to Health Canada over the much-hyped clinical trials for the use of MDMA to treat post-traumatic stress disorder. The complaint about Health Canada-approved trials conducted by the U.S.-based

Multidisciplinary Association for Psychedelic Studies (MAPS) was submitted to the federal agency on March 4 by a group of academics and journalists. Health Canada confirmed Wednesday [April 4] that it's now reviewing all trials involving MDMA to ensure patient safety and compliance with regulations. Read the CBC [article](#).

165 British Columbians Lost to Toxic Drug Supply in March 2022

Toxic drugs have claimed the lives of more than 150 British Columbians for the 18th consecutive month, according to the latest preliminary data released by the BC Coroners Service. Read the full government [news release](#).

'A Big Crisis': How BC's Family Doctor Shortage is Spreading

Off a quiet road next to the local Lion's Club and skate park, the clinic offers a helicopter landing pad, part-time nurse practitioner, massage therapist and chiropractor, among other services. But in the end, said Kendall Kyle, chair of the Galiano Health Care Society, "The whole idea of the health care centre was to have a place that would encourage a doctor to come." Built three decades ago, for the last eight years, Dr. Erin Carlson has cared for the community, even as its population spiked by more than a third in the last national census. "It was a great time for health care on Galiano," said Linda Ruedrich, who manages the clinic as executive director. The model worked, at least for a while. Read the BIV [article](#).

BC PharmaCare Provides New, Expanded Coverage

Thousands of people in BC will benefit from BC PharmaCare's new and expanded coverage of medications for ulcerative colitis and Crohn's disease, severe hypoglycemia, migraines, the treatment of low white blood cell levels, multiple sclerosis, heart failure, and birth control. Effective April 12, 2022, vedolizumab (Entyvio), which is used in the treatment of moderately to severely active ulcerative colitis and Crohn's disease, has a new method of administration (subcutaneous injection) covered through BC PharmaCare. This offers patients more convenience as they can administer the medication themselves. Currently, this treatment is administered in clinical settings intravenously (IV) and is also covered through BC PharmaCare. Read the full government [news release](#).

Supporting International Nurses into BC's Health System

To meet the increasing demand for nurses in British Columbia, the Province is making it easier for eligible internationally educated nurses (IENs) to enter the province's health system so they can support British Columbians' health-care needs sooner. Together with the British Columbia College of Nurses and Midwives (BCCNM), the Nursing Community Assessment Service (NCAS) and Health Match BC (HMBC), the Province is supporting IENs who want to work in B.C. by:

- consolidating the provincially based assessment processes for IEN candidates;
- offering approximately \$9 million in bursaries to help with assessment fees, which is expected to benefit approximately 1,500 IENs in the first year; and
- creating new nurse navigator positions to help IENs navigate the assessment and licensing process.

Read the government [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Accessible British Columbia Regulation (105/2022)	NEW Apr. 14/22	see Reg 105/2022
Drug Schedules Regulation (9/98)	Apr. 19/22	by Reg 106/2022
Enforcement Regulation (4/2015)	Apr. 27/22	by Reg 109/2022
E-Substances Regulation (186/2020)	Apr. 4/22	by Reg 87/2022
Medical and Health Care Services		

Regulation (426/97)

Apr. 22/22

by [Reg 108/2022](#)**LABOUR & EMPLOYMENT****Labour and Employment News:****Labour Relations Code Amendments****Introduce Single-step Certification**

On April 6, the government introduced [Bill 10](#), the *Labour Relations Code Amendment Act, 2022*, which proposes amendments to the [Labour Relations Code](#) with two main objectives. The first will establish a single-step (or "card-check") union certification system. In the current two-step system, certifying a union requires that 45% of workers sign union membership cards before holding a vote. The proposed amendments would allow certification if 55% of workers sign membership cards without a vote. However, if between 45% and 55% of employees sign membership cards, the second step of a secret ballot vote will then be required. The proposed amendments would also allow workers in the construction sector to change unions annually, rather than waiting the currently required three years. This amendment is intended to allow employees the opportunity to switch unions during the span of a construction project which may last less than three years. For more information on these proposed changes, please see the government [news release](#) or the article [No Bluff: British Columbia Government Introduces Card-Check Certification, Stacking the Deck in Favour of Unions](#) by Gary T. Clarke, Kris R. Noonan and David M. Price with Stikeman Elliott.

Unsigned Employment Contracts Can Be Enforceable in Some Circumstances

A recent BC Supreme Court [decision](#) demonstrates that an employment contract does not necessarily need to be signed by the employee in order to be enforceable as long as there is clear evidence that the employee agreed to the terms in the contract.

Facts

In *Asgari Sereshk v. Peter Kiewit Sons ULC*, 2021 BCSC 2570, the plaintiff, Mr. Sereshk worked for the defendant, Peter Kiewit Sons ULC (the "Company") as a project engineer from 2008 to 2015. He subsequently left to work for a competitor. In 2019, the Company again offered Mr. Sereshk employment as a project manager. The proposed contract had a clause which allowed the Company to terminate Mr. Sereshk's employment "for any reason, without cause or serious reason" upon giving the minimum amount of advance notice, or pay in lieu of notice, provided for under the applicable provincial employment/labour standards legislation.

Read the [full article](#) by Neal Parker with Harper Grey LLP.

BC Court Confirms High Threshold for Proving Family Status Discrimination in Employment

The BC Supreme Court recently confirmed the test for family status discrimination in the case of *Gibraltar Mines Ltd. v Harvey*, [2022 BCSC 385](#). Ms. Harvey and her husband were employed by Gibraltar Mines Ltd. near Williams Lake. They worked the same 12-hour shifts. After she gave birth to her first child, Ms. Harvey and her husband requested a change for one of their work schedules so they could access childcare. Read the [full article](#) by Scott Marcinkow with Harper Grey LLP.

BC Case Deals with Enforceability of Handbook Termination Clause, When a Termination Took Place and Frustration under COVID

In *Verigen v. Ensemble Travel Ltd.*, ([2021 BCSC 1934](#)) Justice Milman had a situation of a 55 year old Business Development Director (really more of a sales person) with 13 months service who was given a temporary layoff notice at the beginning of COVID. The plaintiff consented to the first time limited layoff and consented to a second one but did not consent to a third extension beyond August, 2020. Read the [full article](#) by [Barry B. Fisher](#), LLB on *First Reference*.

Minimizing Biases in the Hiring Process

Employers often make hiring decisions based on a multitude of objective and subjective factors. Given that personal biases often play a conscious or unconscious role in these decisions, employers face the risk of finding themselves the subject of a complaint to the British Columbia Human Rights Tribunal (the "BCHRT") where an applicant speculates that there has been some form discrimination in the hiring process. A recent complaint [[2022 BSHRT 41](#)] to the BCHRT highlights to employers the importance of mitigating the potential impact of biases through adopting a well thought out and documented hiring process. Read the [full article](#) by [Kirstin Mase](#)

and [Hailey Pattenden](#) of Edwards, Kenny & Bray LLP.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	May 1/22	by Reg 85/2022
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	May 1/22	by Reg 85/2022
Firefighters' Occupational Disease Regulation (125/2009)	Apr. 22/22	by Reg 107/2022

LOCAL GOVERNMENT

Local Government News:

A Closer Look at the Study Paper on Public Hearings: Historical Legislation

This post is part of a series highlighting BCLI's [Study Paper on Public Hearings: An Examination of Public Participation in the Adoption of Local Bylaws on Land Use and Planning](#). For other posts in the series click [here](#).

Town Planning Act (1925)

In the early 20th century British Columbia's local governments had rudimentary land use-planning powers that were "tightly worded to equip local governments to deal only with particular land use issues," which meant that the governing provincial "legislation thereby reflected a prevailing view that local governments should be empowered to interfere with private land use decisions only sparingly." But in 1925, BC changed course by enacting "[t]he first comprehensive delegation of legislative power to regulate land use in BC."

Read the [full article](#) by Kevin Zakreski with the British Columbia Law Institute.

Bill 20 - Municipal Affairs Statutes Amendment Act, 2022 Introduced

On April 7, the BC government introduced [Bill 20](#), which proposes amendments to several Acts including the [Local Government Act](#), [Community Charter](#) and others. According to the government, the intent of these changes will be to achieve five objectives:

- Remove redundant legislation that is no longer required
- Clarify local government's authority on electronic meeting and subdivision of land that is not agricultural land
- Accommodate gender-neutral language
- Provide the city of Vancouver the same authority all other local governments have, to do energy benchmarking
- Implement a new requirement for local elected officials who are charged with or convicted of criminal offences. The requirement will be for the official to go on a mandatory paid leave when charged with a serious criminal offence until the criminal process is complete or the charges resolved.

These changes will come into force if and when this Bill reaches Royal Assent. If you would like to be notified when these or other changes come into force, we suggest using the BC Legislative Digest or Keyword Alert tools, both located on the [My Alerts](#) tab.

Province Releases DRIPA Action Plan: Implications for Local Governments

On March 30, 2022, the Province released its highly-anticipated Action Plan for implementing the [Declaration of the Rights of Indigenous Peoples Act](#) ("DRIPA"). The overarching purpose of DRIPA is to implement the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (the "UNDRIP"), including to facilitate the alignment of provincial laws with UNDRIP. The Action Plan, which was developed in consultation with Indigenous peoples, outlines 89 specific action items that various provincial ministries will be responsible for

implementing over the years of 2022 to 2027. As required by [section 5 of DRIPA](#), progress on the Action Plan will be reviewed and reported annually. Read the [full article](#) by Julia Tikhonova and Reece Harding with Young Anderson Barristers & Solicitors.

Review of Police Act Suggests BC Get Rid of RCMP, Move to Provincial Police Force

Mike Farnworth, Minister of Public Safety and Solicitor General, has released the following statement in response to the [report](#) by the Special Committee on Reforming the Police Act: "The recommendations from the Special Committee on Reforming the [Police Act](#) echo our government's belief that everyone deserves equal treatment by the police. "This has not always been the case for many Indigenous, Black and other people of colour. Public trust requires that the delivery of police services is fair, equitable and responsive to all British Columbians. Read the full government [news release](#).

Victoria Council Unanimously Passes Motion for Affordable Housing Construction

This makes it the first municipality in the province to approve a citywide expedited process for building affordable housing. Some affordable housing projects in Victoria will now be able to skip rezonings or public hearings after city council unanimously passed a motion at a meeting Friday [April 15]. The city says the new legislation will accelerate construction for non-profit, government or co-op housing projects that are consistent with the city's community plan and design guidelines. Plans that meet the criteria will be delegated to staff for approval, which the city estimates will reduce project timelines by about nine months. This makes it the first municipality in the province to approve a citywide expedited process for building affordable housing. Read the *Vancouver Sun* [article](#).

Bonding Strategy Proposed for Industrial Projects

The Ministry of Environment and Climate Change Strategy has released a [discussion paper](#) on the Public Interest Bonding Strategy. The objective of the Strategy is to ensure that owners of industrial projects pay the full costs of environmental clean-up and remediation, even if projects are abandoned. Read the full UBCM [article](#).

Recent Changes to Date Calculator

On February 28, [B.C. Reg. 17/2022](#) brought into force sections of the [Municipal Affairs and Statutes Amendment Act \(No. 2\), 2021](#), SBC 2021, c. 30. The changes include

- revised public notice requirements, allowing local governments to establish, by bylaw, alternative notice methods, such as providing online notice (providing notice via newspaper remains an option); and
- amendments to the [Islands Trust Act](#) which make notice requirements consistent with those in the [Community Charter](#).

Some of the changes amend the dates and events in the Quickscribe Date Calculator tool, accessible via the left navigation when you login to your Quickscribe Online (CivicLaws) account. The events affected include the Notice of Council Hearing in Relation to Suspension or Cancellation of a Business Licence, Deadline for Electoral Responses in An Alternate Approval Process, Public Hearings and Public Notice in Accordance with Section 94 of the Community Charter. The Date Calculator references have been updated to reflect these changes. It is worth noting that the requirements that local governments consider developing a code of conduct for council members, or updating an existing code have [not yet come into force](#). Quickscribe would like to thank [Ryan Bortolin](#), partner with [Stewart McDannold Stuart Barristers & Solicitors](#) (SMS), for his efforts to help us consolidate these changes. Stewart McDannold Stuart is a Victoria-based law firm devoted to providing legal services to local governments in British Columbia.

School Amendment Act, 2022 Introduced to Support Francophone Education

[Bill 22](#), introduced on April 26, proposes amendments to the [School Act](#) to meet the province's constitutional obligations under the [Canadian Charter of Rights and Freedoms](#), clarified and defined in a 2020 Supreme Court of Canada decision. The amendments will assist the province in delivering francophone educational programs to children of minority language education rights holders by allowing the implementation of capital strategy to support the Conseil scolaire francophone in acquiring land and school facilities for francophone education programs.

Act or Regulation Affected	Effective Date	Amendment Information

Assessment Authority Act	Apr. 1/22	by 2020 Bill 10, c. 1, section 2 only (in force by Royal Assent), Municipal Affairs and Housing Statutes Amendment Act, 2020
Home Owner Grant Regulation (100/2002)	Apr. 11/22	by Reg 93/2022
Liquor Control and Licensing Regulation (241/2016)	Apr. 7/22	by Reg 89/2022
	Apr. 11/22	by Reg 97/2022 and Reg 98/2022
	Apr. 30/22	by Reg 241/2016
Taxation (Rural Area) Act Regulation (387/82)	Apr. 11/22	by Reg 102/2022

MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Notice – New Edition of CAN/CGSB 43.146 Is Published

A new edition of the following standard has been developed by the Canadian General Standards Board (CGSB) Technical Committee and was published in March 2022:

CAN/CGSB 43.146 "Design, manufacture and use of intermediate bulk containers (IBCs) for the transportation of dangerous goods, Classes 3, 4, 5, 6.1, 8 and 9".

Read the [full notice](#) on the Transport Canada website.

Transportation Act Amendments Aim to Increase Housing and Services near Transit Hubs

[Bill 16](#), the *Transportation Amendment Act, 2022*, was recently tabled in the legislature. The bill proposes amendments to the [Transportation Act](#) that would allow the BC Transportation Financing Authority to acquire land for transit-related development near transit stations and bus exchanges. Currently, BCTFA may purchase land only for transportation projects. The Bill 16 amendments would enable BCTFA to also purchase or improve land near stations and exchanges for related purposes, including building housing and community amenities such as child care centres, commercial services, schools, health-care centres, public gathering spaces and recreation centres. The amendments are intended to increase the amount of housing and number of services close to public transit in order to create more accessible communities and increase transit use.

BC Driver Who Took Speed Limit Sign as "Suggestion", Despite Bad Weather, Tries to Sue over Crash into Truck

A British Columbia driver who was injured in a car crash several years ago said in a lawsuit involving the provincial auto insurer that she took a speed advisory sign as a "suggestion," despite poor weather conditions. The driver was hurt in a crash near Pender Harbour on BC's Sunshine Coast the summer of 2016. The court heard, in her attempt to sue, that she lost control of her vehicle and struck an oncoming truck head-on. The driver took her insurer and those who maintain the stretch of highway where she'd crashed to court, even naming the Province of British Columbia initially. Read the CTV [news article](#).

CVSE Bulletins & Notices

No bulletins or notices by CVSE for April. For more information on these and other items, visit the [CVSE website](#).

Passenger Transportation Board Bulletins

The following updates were recently published by the BC Transportation Board:

Industry Updates & Advisories

- **2022 Taxi Limo Cost Index (TLCI)**

The Board has concluded its [Taxi and Limousine Cost Index \(TLCI\) review](#) for this year and a 5.3%

increase will be made available for taxis to [request](#) upon July 31, 2022. More information on the TLCI can be found in the [Q&As](#). Further information about the TLCI process is posted on the Board's [TLCI Page](#).

- **Vancouver Cruise Ship Schedule for TNS and Taxi Operators**

As the 2022 cruise season commences in Vancouver, TNS and Taxi Licensees are reminded to [review their terms and conditions of licence and the cruise schedule](#). The Board will continue its efforts to ensure that any changes or amendments are posted in the Weekly Bulletin and on the website.

- **TOPs Processing Reminder**

With grad and summer fast approaching, licensees planning to apply for a Temporary Operating Permit (TOP) should do so well in advance and not wait until the day before or the day of the requested TOP start date. Processing cannot be guaranteed in this short a time period. To learn more about TOPs (including Peak Season and Regular), please see [Reference Sheet 17](#)

Applications Received

- [14107-22](#) – Transfer of Licence: PDVA (Limo) from The Estate of Randell Arthur Ralph to RRR Limousine Services Ltd.
- [14489-22](#) – New PDVA (Taxi): Rajbir Singh Kahlon (Bluebird Cabs)
- [14168-22](#) – Amendment of Licence: PDVA (Other PDV) – Mauricio Varas (Freewest Tours Services)

Application Decisions

- [13420-21](#) – Waivin Flags Taxi [Approved]
- [14654-22 TOP](#) – Cold Comforts Lodgings Ltd. [Refused]
- [13954-21](#) – Cold Comforts Lodgings Ltd. [Approved]
- [14691-22 UPN](#) – Diversified Transportation Ltd. [Approved]
- [13973-21](#) – Transfer of Licence from Matthew Charles Bone and Krysta Rahel Lachowski (Sicamous Taxi) to Michelle Gail Wolff [Approved]
- [14772-22 UPN](#) – Lightning Transport Systems Ltd. [Approved]
- [14791-22](#) – Robert Charles and Leticia Natalie Darwin [Refused]
- [14804-22 UPN](#) – Savannah Marie Swaisland (Grape Savvy Wine Tours, Grape Savvy Trolley Co.) [Approved]
- [14837-22 PS TOP](#) – Elite Limousine Service (2003) Ltd. [Approved]
- [14169-22](#) – New PDVA (Taxi): Foley, Brian Lawrence (Bluebird Cabs) [Approved]
- [14119-22](#) – New PDVA (Limo): RDY Enterprises Ltd. [Approved]
- [14469-22](#) – Transfer of Licence from Diversified Transportation Ltd. to Pacific Western Charters Ltd. [Approved]
- [12621-21](#) – MTR Western, LLC
- [13562-21](#) – Transfer of Licence from Campbell River Cabs Ltd. to Waivin Flags Taxi
- [14846-22 PS TOP](#) – Vanride Shuttle Services Ltd.
- [14875-22 TOP](#) – Elite Limousine Service (2003) Ltd.
- [13997-21](#) – Robert Charles and Leticia Natalie Darwin

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

Act or Regulation Affected	Effective Date	Amendment Information
Basic Vehicle Damage Coverage Regulation (4/2021)	RETRO to May 1/21	by Reg 95/2022
	RETRO to Nov. 1/21	
	Apr. 11/22	
Enhanced Accident Benefits Regulation (59/2021)	RETRO to May 1/21	by Reg 96/2022
	Apr. 11/22	

Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation (60/2021)	RETRO to May 1/21	by Reg 94/2022
Insurance (Vehicle) Regulation (447/83)	RETRO to May 1/21	by Reg 96/2022
	May 1/22	by Reg 447/83
Lien on Impounded Motor Vehicles Regulation (72/2022)	Apr. 1/22	by Reg 72/2022
Motor Vehicle Act Regulations (26/58)	May 1/22	by Reg 24/2022

OCCUPATIONAL HEALTH AND SAFETY

Occupational Health & Safety News:

Proposed Policy Amendments Regarding Industry Group Movement

WorkSafeBC adopted a new rate-setting model on January 1, 2019. Policy changes are needed to align policy with the current model and ensure WorkSafeBC's timely ability to place and move industry groups into appropriate rate groups. Our Policy, Regulation and Research Department is releasing a discussion paper, with options on proposed amendments to policy relating to industry group movement, for public consultation. You're invited to provide feedback on the options until 4:30 p.m. on Friday, June 3, 2022. Read the [notice](#) on the WorkSafeBC website.

Mines Audit Provides Steps to Increase Safety Near Water

The Province's mines chief auditor has released the Mining Audit Report, Worker Protection in Mobile Equipment Near Water to support the safety of workers. The audit found the ministry has regulatory requirements in place for workers operating mobile equipment near water at BC mines. The chief auditor also determined the ministry is inspecting mobile equipment and has developed processes, systems and tools to learn from past incidents. The chief auditor has provided three recommendations for strengthening and clarifying regulatory requirements, managing incident files and conducting outreach and education related to past incidents. Read the government [news release](#).

Worksite Asbestos Exposure Results in \$20,000 Fine

A WorkSafeBC investigation found the owner of a drywall recycling company knowingly exposed between 13 and 15 workers to asbestos-containing material. Charges were consequently laid in provincial court against Vivesh Kochher. After pleading guilty, Kochher was fined \$20,000 – plus a victim surcharge – and is banned from owning or operating a waste transfer facility, or any other business that involves asbestos, for three years. WorkSafeBC also found Kochher defied a stop-work order, issued in September 2019 after an inspection found asbestos at the worksite. Read the BIV [article](#).

Three Cancers Added to List of Covered Work-related Cancers for BC Firefighters

"It goes without saying that firefighters face a lot of hazards in their work," said Labour Minister Harry Bains in a statement. "When it comes to the workers' compensation system, they shouldn't have to prove that certain long-term illnesses are work-related in order to access supports. "B.C.'s firefighters have been asking for this protection, and I am proud to support these people who do so much to keep British Columbians safe." The three cancers being added to the list are ovarian, cervical and penile cancer. If a firefighter is diagnosed with one of the now 16 listed cancers after working as a firefighter for a certain period, they will be able to access workers' compensation without having to prove the cancer is directly work-related. Read the *Vancouver Sun* [article](#).

6 Effective Ways to Identify Workplace Safety Issues

A key part of the role of a safety professional is identifying and addressing workplace health and safety issues.

What are they? Where do they stem from? Are they routine issues? All of these questions need to be addressed and taken into account when looking into hazard controls and creating a safety plan. Lack of understanding or knowledge of these issues is one of the fundamental causes of safety issues in the workplace. While this list is certainly non-exhaustive, here are six effective ways to get started in identifying workplace health and safety issues. Read the [full article](#) by Maia Foulis published by Canadian Occupational Safety.

What Jobs Are Too Hazardous for Young Workers?

British Columbians are invited to provide feedback on what types of work are too hazardous to be done by youth under age 16, and in some cases, under 19. The Province has launched a consultation site where stakeholders and the public can review and comment on a proposed framework that outlines the types of jobs that could be defined as hazardous and unsuitable for young workers. The consultation can be accessed through government's engagement site at: <https://engage.gov.bc.ca/govtogetherbc>. Read the government [news release](#).

New Public Health Orders

The Public Health Office (PHO) issued no new orders or guidance during April. Visit the [PHO website](#) to view these and other related orders and notices.

OHS Policies/Guidelines – Updates

Guidelines – OHS Regulation:

April 14, 2022

The following guideline was issued:

- Part 4 General Conditions
 - [G4.72 Design and operation](#)

Editorial changes were made to the following guidelines:

- Part 6 Chemical Agents and Biological Agents – Lead
 - [G6.67 Health protection](#)
- Part 11 Fall Protection
 - [G11.6-2 Anchor Selection and use](#)
- Part 30 Laboratories
 - [G30.8 Fume hoods](#)
 - [G30.29 Electrophoresis](#)

Check the [WorkSafeBC website](#) to explore these and other important OHS updates.

Act or Regulation Affected	Effective Date	Amendment Information
Accessible British Columbia Regulation (105/2022)	NEW Apr. 14/22	see Reg 105/2022
Firefighters' Occupational Disease Regulation (125/2009)	Apr. 22/22	by Reg 107/2022

PROPERTY & REAL ESTATE

Property and Real Estate News:

CHOA – Condo Smarts: Are Audits Required by the Act?

Dear Tony: Thank you for last week's column on fraud. Our strata had a similar situation in 2005 and since imposed strict financial approvals to prevent any such problem again. Our strata corporation just completed a \$1.8 million repair on balconies and roofing. The property management company provided us with a detailed

summary of the project, which ended on budget, but several owners have been requesting an audit of the special levy account. Is there a specific threshold or value where an audit is a requirement of the Act or where a strata corporation should consider an audit? The strata council are very satisfied with the completed scope of work which was supervised and approved by the engineer. At this point of the transactions, if the council chooses to conduct an audit, are we authorized to proceed? Read the [full article](#) by Tony Gioventu, published in the CHOA bulletin Condo Smarts.

**Licensees: What You Need to Know about
Cryptocurrencies and Real Estate**

Cryptocurrencies are an evolving financial innovation that BC Financial Services Authority ("BCFSA") has a close eye on as a part of our role in monitoring risk in the financial services sector on an ongoing basis. As BCFSA endeavors to safeguard confidence and stability in B.C.'s financial services sector, it is important for licensees to understand cryptocurrencies and how you might encounter them in a real estate transaction. Read the full [news release](#) on the BCFSA website.

Act or Regulation Affected	Effective Date	Amendment Information
Mortgage Brokers Act Regulations (100/73)	Apr. 1/22	by Reg 260/2019

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