



Vol: V – Issue 6 – June 2023

QS News

Quickscribe Welcomes Scott Marcinkow as New Workplace Law Contributor

Quickscribe is thrilled to announce that [Scott Marcinkow](#), Partner with Harper Grey, will contribute ongoing annotations to key workplace legislation on Quickscribe. Scott is the Chair of the firm's Workplace Law Group. He is also a member of their Health Law and Professional Regulation groups. Scott works with employers and employees on a wide variety of workplace issues, including terminations, wrongful dismissal litigation, sexual harassment claims, restrictive covenants, employment contracts, workplace policies, and much more. If you wish to be alerted when Scott or any of our contributors publish new annotations to Quickscribe, select "[My Alerts](#)" via the top navigation, then select the "View Expert Annotators". Here you can view and "follow" any contributor from the list.

Your Reporter Has a New Look!

No, we didn't go on a wild makeover spree and chop off all the good stuff. We just tweaked the design a bit to make it more attractive and easier to read. The Reporter will still bring you the same informative content you love, but in a more stylish and updated package.

New Annotations

New Annotations have been added to Quickscribe:

- [Jeff Waatainen](#), DLA Piper – [Wildfire Regulation](#), [Wildfire Act](#), [Forest and Range Practices 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 the PDF version](#) of the Reporter

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Want to Track Federal Laws?



For notification of federal amendments, we recommend using our Section Tracking tool to keep informed on changes to federal laws. Look for the paw icon adjacent to the sections you wish to track.

Looking for Previous Reporters?

We have archived the Quickscribe Reporter going back to 2004. Visit the historical [Reporter archives page](#).

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COMPANY & FINANCE

Company and Finance News:

**Finance Canada Proposes Largest Overhaul of Canadian
Transfer Pricing Legislative Framework**

This article discusses the Department of Finance Canada's proposed legislative changes to [section 247 of the Income Tax Act](#) (Act), introduced to eliminate certain perceived issues with the current legislation and align Canada's transfer pricing rules with the current international consensus. The recent decision in [Her Majesty The Queen v Cameco Corporation](#) (Cameco) likely expedited the need, in Finance Canada's view, for legislative changes. This decision was significant, as *Cameco* was the first Canadian case to consider the recharacterization rules in subsections 247(b) and (d) of the Act and set a precedent that impacted both legislative and administrative aspects of transfer pricing. Read the [full article](#) by Pierre G. Alary and Andre R. Bergeron with Gowling WLG.

Competition Bureau Publishes Wage-fixing and No-poaching Enforcement Guidelines

The Competition Bureau has released its wage-fixing and no-poaching enforcement guidelines to provide businesses with clarity and transparency regarding the new criminal provisions of the Competition Act. Effective June 23, the [Competition Act](#) will deem wage-fixing and no-poaching agreements illegal. The wage-fixing and no-poaching amendments were introduced as part of the Government of Canada's [Budget Implementation Act, 2022](#), which was enacted on June 23, 2022. Read the [full article](#) by [Angelica Dino](#) on *Canadian Lawyer*.

Retroactive Legislation to Reverse Recent Court Decision on BC Provincial Sales Tax and Cloud Computing

On June 20, 2023, the Province of British Columbia (the "Province") released a [Provincial Sales Tax \(PST\) Notice](#) to providers and purchasers of cloud software and services (the "Notice"). The Notice came in response to the B.C. Supreme Court decision in *Hootsuite Inc. v. British Columbia (Finance)*, [2023 BCSC 358](#). Our prior [blog](#) analyzes the decision. The Notice stated that the Province intends to introduce legislation to reverse the decision, with retroactive effect. The legislation would aim to apply PST to purchases of cloud computing services (such as Amazon Web Services or Microsoft Azure) and other digital products, as the Province believes it should have applied prior to the *Hootsuite* decision. It is currently unknown how far back the legislation's retroactive effect will go, and we expect more details in Budget 2024 when the legislation is slated to be released. Read the [full article](#) by Adrian Zee with Thorsteinssons LLP.

New Legislation Will Require Money Services Businesses in British Columbia to Register

In June 2022, we summarized the key recommendations that came out of the Final Report of the Cullen Commission in our blog, [The Cullen Commission Releases Its Final Report on Money Laundering in British Columbia —Key Takeaways](#). The Final Report concluded that the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) conducts relatively few compliance examinations of money services businesses (MSBs) and that the examinations are not done early enough after the MSB is established. The Commission proposed that the British Columbia Financial Services Authority (BCFSA) take on the role of regulating MSBs in British Columbia. Following from these recommendations, British Columbia Bill 19: [Money Services Businesses Act](#) (MSBA) received Royal Assent on May 11, 2023. As a result, MSBs in British Columbia will soon be subject to greater oversight by the BCFSA. Read the [full article](#) by [Lisa Kakoske](#), [Simon Grant](#), [Karly Descoteaux](#) and [Kyle Falk-Varcoe](#) with Bennett Jones LLP.

Changes to the Customs Valuation for Duty Regulations Will Have an Impact on Indirect Taxes

The Canadian Border Services Agency ("CBSA") published proposed amendments to the [Valuation for Duty Regulations](#) on May 27, 2023 that it says are intended to address an "unfair advantage" the current rules provide for non-resident importers ("NRIs") and "level the playing field". However, the effect of the proposed amendments appear be much broader.

Background

The value for duty of imported goods impacts the amount of goods and services tax ("GST") payable on goods imported through the commercial stream and the harmonized sales tax ("HST"), Quebec sales tax ("QST"), provincial and retail sales tax ("PST") imposed in British Columbia, Saskatchewan and Manitoba on goods imported through the casual stream. The impact of the amendments will be to increase the cost of imported goods to the extent the tax payable is not recoverable by the Canadian resident parties to the transactions.

Read the [full article](#) by [Randy Schwartz](#) with McCarthy Tétrault LLP.

Blurring the Lines Between Inspection and Requirement Powers: Recent Legislative Amendments to Section 231.1

On December 15, 2022, amendments to section 231.1 of the [Income Tax Act](#) came into force, which blur the lines between sections 231.1 and 231.2, expand the scope of the Canada Revenue Agency's ("CRA's") powers to collect documents and information from taxpayers, and potentially remove some procedural safeguards that taxpayers could previously rely on. As set out below, the precise scope of the amendments is unclear and judicial guidance will be needed to delineate exactly how these amendments will operate going forward. Read the [full article](#) by [Almut MacDonald](#) and [Anu Koshal](#) with McCarthy Tétrault LLP.

CSA Provides Guidance on the Listed Issuer Financing Exemption

In November 2022, a new prospectus exemption, the listed issuer financing exemption (the "exemption"), became effective. The purpose of this exemption is to provide, for certain issuers, the option to raise small amounts of capital relying on their continuous disclosure filings. See an overview of this exemption prepared by our team [here](#). On June 1, 2023, the Canadian Securities Administrators (the "CSA") published [guidance](#) on the exemption which we have summarized below. Read the [full article](#) by [Patrick Boucher](#), [Myreille Gilbert](#) and [Philippe Leclerc](#) with McCarthy Tétrault LLP.

Bill C-47 Introduces Significant Changes to the Canadian Mandatory Disclosure Rules

On June 22, 2023, [Bill C-47](#), an Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023, received Royal Assent and became law. Bill C-47 introduces a number of tax changes that were announced in the 2023 Federal budget, as well as various other previously announced tax changes, including significant revisions to the Canadian mandatory disclosure rules. The federal government committed in the 2021 Federal Budget to update and enhance the Canadian mandatory disclosure rules in light of the OECD's recommendations and best practices of other countries. To that end, Bill C-47 substantially revises and amends the mandatory disclosure rules by means of:

- Expanding the reportable transaction rules,
- Introducing new reporting obligations in respect of "notifiable transactions" and "reportable uncertain tax treatments", and
- Increasing penalties for and extending the normal reassessment period in case of failure to comply with the mandatory disclosure rules.

Read the [full article](#) by Patrick Marley, Matias Milet, Jack Silverson and Oleg Chayka with Osler, Hoskin & Harcourt LLP.

BC Securities – Policies & Instruments

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

- [13-931](#) – CSA Notice regarding the SEDAR+ launch date and Coordinated Blanket Order 13-931 Exemptions from certain filing requirements in connection with the deferred launch of the System for Electronic Data Analysis and Retrieval +
- [13-102](#) – Adoption of Multilateral Instrument 13-102 System Fees
- [BC Notice 2023/04](#) – Specification of Template for Schedule 1 of Form 45-106F1 Report of Exempt Distribution [BCN]
- [11-502CP](#) – Voluntary Surrender of Reporting Issuer Status [CP]
- [11-901F](#) – Securities Regulation Fee Checklist [F]
- [13-602](#) – Confidentiality of Records [BCP]
- [32-525](#) – Exemption from the dealer registration requirement and the adviser registration requirement in respect of trades and advice for U.S. resident clients [BCI]
- [33-705](#) – Conditions of Registration for Investment Dealers with a BC Office that Trade in the U.S. Over-the-Counter Markets [BC Interpretation Note]
- [43-310](#) – Confidential Pre-File Review of Prospectuses (for non-investment fund issuers) (Revised) [CSA Staff Notice]
- [45-308](#) – Guidance for Preparing and Filing Reports of Exempt Distribution under National Instrument 45-106 Prospectus Exemptions (Revised) [CSA Staff Notice]
- [45-601](#) – Discretionary Exemptions [BCP]
- [51-324](#) – Glossary to NI 51-101 Standards of Disclosure for Oil and Gas Activities (Revised) [CSA Staff Notice]
- [51-514](#) – Exemption from the requirement to send financial statements and related disclosure to securityholders during a disruption in postal service [BCI]
- [72-503CP](#) – Distribution of Securities outside British Columbia [CP]
- [72-504](#) – Distribution of Eurobonds [BCI]
- [72-505CP](#) – Exemption from prospectus requirement for crowdfunding distributions to purchasers outside British Columbia [CP]
- [81-517](#) – Exemption from the requirement to send financial statements and related disclosure to securityholders during a disruption in postal service [BCI]
- [14-101](#) – CSA Notice of Amendments to National Instrument 14-101 Definitions and Consequential Amendments

- [24-930](#) – CSA Notice regarding Coordinated Blanket Order 24-930 – Exemption from certain filing requirements
- [96-330](#) – Exemption from derivatives reporting requirements in Multilateral Instrument 96-101 – Trade Repositories and Derivatives Data Reporting for certain derivatives data relating to U.S. dollar London interbank offered rate
- [58-315](#) – Extension of Comment Period Proposed Amendments to Form 58-101F1 Corporate Governance Disclosure of National Instrument 58-101 Disclosure of Corporate Governance Practices and Proposed Changes to National Policy 58-201 Corporate Governance Guidelines
- [25-102](#) – Designated Benchmarks and Benchmark Administrators (the Phase 2 Amendments)
- [BC Notice 2023/05](#) – BCSC Fintech Advisory Forum
- [BC Notice 2023/06](#) – Corporate Finance Stakeholder Forum

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

Act or Regulation Affected	Effective Date	Amendment Information
BC Instrument 13-502 <i>Electronic Filing of Reports of Exempt Distribution</i> (183/2009)	June 9/23	by Reg 140/2023
Climate Action Tax Credit Regulation (135/2008)	July 1/23	by Reg 148/2023
Designated Accommodation Area Tax Regulation (93/2013)	June 1/23	by Reg 212/2022
	July 1/23	by Reg 113/2023
Income Tax Act	July 1/23	by 2023 Bill 10, c. 23, sections 58, 62 and 64 only (in force by Royal Assent), Budget Measures Implementation Act, 2023
Multilateral Instrument 11-102 <i>Passport System</i> (58/2008)	June 9/23	by Reg 139/2023
Multilateral Instrument 13-102 <i>System Fees for SEDAR and NRD</i> (210/2013)	REPEALED June 9/23	by Reg 137/2023
Multilateral Instrument 13-102 <i>System Fees</i> (137/2023)	NEW June 9/23	see Reg 137/2023
Multilateral Instrument 51-105 <i>Issuers Quoted in the U.S. Over-the-Counter Markets</i> (235/2012)	June 9/23	by Reg 139/2023
National Instrument 13-101 <i>System for Electronic Document Analysis and Retrieval</i> (SEDAR) (378/96)	REPEALED June 9/23	by Reg 138/2023
National Instrument 13-103 <i>System for Electronic Data Analysis and Retrieval + (SEDAR+)</i> (138/2023)	NEW June 9/23	see Reg 138/2023
National Instrument 41-101 <i>General Prospectus Requirements</i> (59/2008)	June 9/23	by Reg 139/2023
National Instrument 43-101 <i>Standards of Disclosure for Mineral Projects</i> (86/2011)	June 9/23	by Reg 139/2023

National Instrument 44-101 <i>Short Form Prospectus Distributions</i> (370/2005)	June 9/23	by Reg 139/2023
National Instrument 44-102 <i>Shelf Distributions</i> (425/2000)	June 9/23	by Reg 139/2023
National Instrument 45-102 <i>Resale of Securities</i> (107/2004)	June 9/23	by Reg 139/2023
National Instrument 45-106 <i>Prospectus Exemptions</i> (227/2009)	June 9/23	by Reg 139/2023
National Instrument 51-101 <i>Standards of Disclosure for Oil and Gas Activities</i> (342/2003)	June 9/23	by Reg 139/2023
National Instrument 51-102 <i>Continuous Disclosure Obligations</i> (110/2004)	June 9/23	by Reg 139/2023
National Instrument 52-112 <i>Non-GAAP and Other Financial Measures Disclosure</i> (223/2021)	June 9/23	by Reg 139/2023
National Instrument 54-101 <i>Communication with Beneficial Owners of Securities of a Reporting Issuer</i> (154/2002)	June 9/23	by Reg 140/2023
National Instrument 55-102 <i>System for Electronic Disclosure by Insiders (SEDI)</i> (230/2001)	June 9/23	by Reg 140/2023
National Instrument 55-104 <i>Insider Reporting Requirements and Exemptions</i> (104/2010)	June 9/23	by Reg 140/2023
National Instrument 58-101 <i>Disclosure of Corporate Governance Practices</i> (241/2005)	June 9/23	by Reg 140/2023
National Instrument 62-104 <i>Take-Over Bids and Issuer Bids</i> (21/2008)	June 9/23	by Reg 140/2023
National Instrument 81-101 <i>Mutual Fund Prospectus Disclosure</i> (1/2000)	June 9/23	by Reg 140/2023
National Instrument 81-106 <i>Investment Fund Continuous Disclosure</i> (218/2005)	June 9/23	by Reg 140/2023
Provincial Sales Tax Act	July 1/23	by 2023 Bill 10, c. 23, sections 58, 62 and 64 only (in force by Royal Assent), Budget Measures Implementation Act, 2023
Provincial Sales Tax Exemption and Refund Regulation (97/2013)	RETRO to Mar. 1/23	by Reg 165/2023
	July 1/23	by Reg 210/2022 and Reg 128/2023



FOREST & ENVIRONMENT

Forest and Environment News:

Recent and Upcoming Forest Legislation Amendments

On June 26, changes to the [Forest and Range Practices Act](#) by [2019 Bill 21](#) were brought into force by [B.C. Reg. 163/2023](#). These amendments introduce the concept of ecological communities to the Act, with the intent of protecting rare and endangered species and habitats. Bill 21 also introduces requirements for publicly available forest operations maps that include the approximate locations of proposed cutblocks and roads.

On July 15, provisions of 2021 Bill 28, the [Forest Amendment Act, 2021](#) will come into force. These amendments add Parts 15 to 19 to the [Forest Act](#), which will allow areas of Crown land to be designated as special purpose areas, for an access purpose, for a non-timber production purpose, or for one or more first nation purposes, BCTS licence purposes or community forest agreement purposes. The bill also provides for compensation to certain licence or permit holders who may be impacted by special purpose areas. Other amendments authorize the reduction to allowable annual cuts of forest licences for the purposes of entering into forest licences with first nations or entering into BCTS licences. Quickscribe will have these amendments consolidated once they come into force.

The 'Polluter Pays' Principle: Proposed Amendments to the *Environmental Management Act* May Usher in a New Era for B.C. Industrial Companies

British Columbia is taking a major legislative step towards requiring industrial companies to pay for a significant scale of environmental cleanup if their projects are abandoned.

The province is proposing amendments to its [Environmental Management Act](#), SBC 2003, c 53 (the EMA) that will enable the government to collect, use, and enforce financial assurance requirements through future regulations.

A primer on the EMA

The EMA is one of the primary pieces of legislation governing environmental protection in B.C. It regulates industrial and municipal waste discharge, pollution, hazardous waste and contaminated site remediation. And importantly, it has teeth. The EMA enables the use of permits, regulations and codes of practice to authorize discharges to the environment, and it provides for enforcement tools, such as administrative penalties, orders, and fines to encourage compliance. The EMA has been amended several times in recent years to reflect changes in environmental policy and to address emerging environmental issues.

Read the [full article](#) by [Jennifer Fairfax](#), [Deirdre A. Sheehan](#), [Emily MacKinnon](#) and [Elie Laskin](#) with Osler, Hoskin & Harcourt LLP.

B.C. Must Urgently Change Forest Strategies or Face More Wildfire Disasters: Report

British Columbia's independent forests watchdog is calling for the provincial government to make critical changes to how it manages forests to reduce the risk of catastrophic wildfires.

The [report](#), released Thursday [June 29] by the B.C. Forest Practices Board, says risk mitigation currently focuses on areas near communities, but leaves the wider forest landscape "severely vulnerable."

It comes as the largest wildfire in the province's history, the Donnie Creek wildfire, continues to burn out of control in the remote northeast.

"The key is there's an urgency to this," board chair Keith Atkinson said in an interview. "We're obviously experiencing, maybe, our most severe year in front of us." Read the [BIV article](#).

Amendments to CEPA Alter Toxic Substance Management and Chemical Control and Provide Right to Healthy Environment

On June 13, 2023, Bill S-5, [Strengthening Environmental Protection for a Healthier Canada Act](#) ("Bill S-5" or the "Act"), received Royal Assent becoming law and modernizing the [Canadian Environmental Protection Act](#) ("CEPA").

CEPA regulates pollution and toxic substances in Canada. Among other changes, the Act will provide Canadians with the right to a healthy environment and will further regulate the management of certain toxic substances and chemicals.

Canadians have right to a healthy environment

The preamble to CEPA now recognizes that every individual in Canada has a right to a healthy environment. Although the province of Quebec previously recognized a [right to a healthy environment](#), the recognition of this right in CEPA is unprecedented in Canadian federal legislation.

CEPA [now requires](#) responsible Ministers to develop an implementation framework and to conduct research, studies and monitoring activities to support the federal government in protecting this right.

Read the [full article](#) by [Amy Pressman](#), [Stephanie Wright](#) and Jason Lin (Articling Student) with DLA Piper.

Province, Nlaka'pamux Nation Tribal Council Reach New Shared Decision-Making Agreement

A new agreement between the Nlaka'pamux Nation Tribal Council (NNTC), its member communities and the provincial government aims to strengthen a collaborative government-to-government relationship on shared decision-making in Nlaka'pamux territory.

The Land and Resource Decision Making Agreement (LRDMA) is intended to support reconciliation and refine processes for land and resource decision-making that advance the implementation of the UN Declaration on the Rights of Indigenous Peoples and implements shared decision-making. Read the BC Government [news release](#).

Logging Reduction Aims to Save Threatened B.C. Seabird

The B.C. government has dropped the amount of wood that can be legally cut in a corner of Vancouver Island vital to the recovery of the marbled murrelet – a migratory seabird threatened under the federal [Species at Risk Act](#).

On Monday [June 26], the Ministry of Forests said it was ordering a 19 per cent decrease in the annual allowable cut of Tree Farm Licence (TFL) 44, a swath of forest straddling the Alberni Inlet near Barkley Sound. The province said it adjusted the harvest licence as a buffer to help recover the marbled murrelet, a species that nests in coastal old-growth forests. Read the *BIV* [article](#).

Part 1 – Current and Consequences: Understanding Environmental Impacts of Transmission Lines

This is part 1 of a series dedicated to providing insight into the common challenges that can occur in the procurement and construction of electric transmission facility projects.

In 2016, the Canadian government announced that it was going to invest \$180 billion in infrastructure as part of its [Long-Term Infrastructure Plan](#). Part of that plan included the Smart Grid Program, a \$100 million investment program intended to allow the Canadian government to partner with Canadian companies to accelerate the development of so-called "[smart grids](#)," which are meant to reduce greenhouse gas emissions while leveraging current infrastructure to modernize the safe and efficient delivery of electricity to customers. In order to accommodate increased demand for electricity, while reducing greenhouse gas emissions, the size of the electricity system will not only need to grow significantly, but it will also need to become more efficient as well. Accordingly, there will likely need to be significant construction, alteration or expansion of electric transmission facilities to move renewable power from one location to the other. As a result of the environmental impacts that will inherently be suffered as a result of the construction of these electric transmission facilities, contractors are likely to face unique challenges in undertaking such construction.

In this series of articles, we will highlight, explain, and provide insight into some common challenges regarding transmission facility procurement and construction. Each article will focus on key considerations that contractors should be aware of if they anticipate bidding on electric transmission facility projects.

In this first installment, we will provide an overview of the main types of electric transmission facilities and their environmental impacts on land and wildlife, as well as certain legal implications of those impacts. Read the [full article](#) by [Stela Hima Bailey](#), [Erin Cutts](#), [Emma Morgan](#) and [Farrukh Ahmad](#) with Borden Ladner Gervais LLP.

Considering the Impacts of Brush Management on Moose

Moose are one of the largest herbivores in North American forests and are an iconic species in British Columbia and throughout their circumpolar range. They are ecologically, culturally, and economically important for a variety of reasons. They are important to many communities as a hunted species for food and serve a variety of social and ceremonial purposes. Multiple factors act to regulate moose populations, but many of these (e.g. winter severity, parasites, and disease) are generally out of the direct control of humans. One important factor humans can and do directly influence is habitat quantity and quality, specifically food and cover. Interestingly, wildlife managers working under the [Wildlife Act](#) in BC have no legislative ability to manage moose habitats on crown land – it is forest professionals who control what happens to moose habitats over much of BC, so forest professionals can have profound impacts on population trends. Read the [full article](#) by Roy V. Rea and Olav Hjeljord in the Summer 2023 issue of the *BC Forest Professional* magazine.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [GT Farms Ltd. v. Director, Environmental Management Act](#) [Method Of Hearing – To Proceed as Written Hearings]

[Water Sustainability Act](#)

- [Just Fish-Inn Inc. v. Assistant Water Manager](#) [Stay Application – Denied]

[Wildlife Act](#)

- [Brandon Ponath v. Director of Fish and Wildlife, Ministry of Forests](#) [Dismissal Order – Appeal Dismissed]
- [John Vandene v. Logan Wenham, Acting Director of Fish and Wildlife, Ministry of Forests](#) [Final Decision – Confirmed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Orders and Remedies Regulation (101/2005)	June 26/23	by <u>Reg 163/2023</u>
Architects Regulation (33/2023)	June 2/23	by <u>Reg 136/2023</u>
Forest Accounts Receivable Interest Regulation (406/98)	June 12/23	by <u>Reg 143/2023</u>
Forest Act	June 12/23	by <u>Reg 143/2023</u>
Forest and Range Practices Act	June 26/23	by 2019 Bill 21, c. 25, sections 1 (a), 6, 11 to 13, 29, 30, 34 (part), 35, 38, 39 and 41 only (in force by <u>Reg 163/2023</u>), <u>Forest and Range Practices Amendment Act, 2019</u> , as amended by 2021 Bill 23, c. 37, section 106 only (in force by Royal Assent), <u>Forests Statutes Amendment Act, 2021</u>
Forest Planning and Practices Regulation (14/2004)	June 26/23	by <u>Reg 163/2023</u>
Forest Revenue Audit Regulation (319/2006)	June 12/23	by <u>Reg 143/2023</u>
Government Actions Regulation (582/2004)	June 26/23	by <u>Reg 163/2023</u>
Professional Governance Act	June 2/23	by <u>Reg 136/2023</u>
Professional Governance General Regulation (107/2019)	June 2/23	by <u>Reg 136/2023</u>
Range Planning and Practices Regulation (19/2004)	June 26/23	by <u>Reg 163/2023</u>
Woodlot Licence Planning and Practices	June	by <u>Reg 163/2023</u>



HEALTH

Health News:

Six-month Re-referral Requirement for Specialists to Be Scrapped

Patients will no longer be required to ask their family doctor for a new referral after six months to see a specialist for the same condition, starting July 1. Doctors of BC president Joshua Greggain, who is based in Victoria, wrote to physician members this week to say the association has been working to streamline the re-referral process, which he called burdensome to referring practitioners, consultants and patients. The changes are part of a \$708-million three-year Physicians Master Agreement negotiated between the Health Ministry and the Doctors of BC, inked in October and ratified the following month. Read the *Times Colonist* [article](#).

BC Launches Online System for Booking Appointments with Pharmacists

Earlier this month, pharmacists were given the ability to prescribe medications for some minor ailments. Starting Thursday [June 29] morning, British Columbians will be able to book appointments online with pharmacists to access prescription medication for several minor ailments and illnesses. The system will be available on the provincial government website at gov.bc.ca/seeapharmacist as of Thursday, June 29. British Columbians will still be able to book appointments with pharmacists in person or by phone. At some pharmacies, you may be able to walk in and receive a prescription. The online booking system will allow people to search for available dates and times for an appointment at nearby pharmacies based on the kind of ailment they're seeking treatment for or contraceptive they wish to be prescribed. Read the CBC [article](#).

MAiD Advocates Prepare for Court Challenge of Ban at Catholic Church-affiliated Hospitals

Doctors and nurses at St Paul's Hospital in downtown Vancouver are trained to prepare a patient for medical assistance in dying, or MAiD.

But when the time comes for the actual procedure, that patient has to be transferred to a different facility, because St. Paul's is run by Providence Health Care, which is affiliated with the Catholic Church. Read the CTV News [article](#).

Proposed Policy on Food Advertisements Directed to Children in Canada

Health Canada has released a policy update which indicates that it intends to propose restrictions on food advertising on television and digital media that is primarily directed at children under the age of thirteen, where the foods contribute to an excess intake of sugars, sodium and saturated fat (the "Proposed Policy"). Health Canada has advised that its intent is for the Proposed Policy to form the basis of a new regulatory framework related to the advertising of food to children. Businesses engaged in such advertising should monitor the developments in Canada, and can also provide their feedback on this policy until June 12, 2023 by sending an email to bpaii@hc-sc.gc.ca. The Proposed Policy was released not long after the *Code for the Responsible Advertising of Food and Beverage Products to Children* (the "Code"), administered and enforced by Ad Standards Canada ("Ad Standards"). Starting on June 28, 2023, the Code will require advertisers to use caution when advertising food and beverage products if there is a possibility that an ad could be viewed as primarily directed to children, based on certain factors as set out in the Code. Read the [full article](#) by [Jaclyne Reive](#) and [Chloe Kyrtasakas](#) with Miller Thomson LLP.

Improving Access to Drugs in Canada – Consultation by Health Canada

As of June 5, 2023, Health Canada is seeking input from a variety of stakeholders on how Canada can improve access to drugs and other health care products. For a number of years, Canadians have experienced an increase in the number of critical drug shortages and other essential care items, such as pediatric analgesics and infant formula. To address this issue, Health Canada created a Drug Shortages Task Force in November of 2022. The Task Force has already engaged with provincial and territorial governments, industry stakeholders, healthcare system partners, patient groups and academia on solutions. Read the [full article](#) by [Fiona Legere](#) and [Bohdana Tkachuk](#) with McCarthy Tétrault LLP.

Internationally Trained Nurses to Benefit from Faster Processing in Canada

Internationally educated nurses (IENS) looking to practice in Canada will benefit from faster processing, thanks to a new expedited credentialing service from the National Nursing Assessment Service (NNAS). Under a new service, NNAS advisory reports will now be issued in participating provinces within no more than five days of all documents

being received. The advisory reports compile and authenticate the documentation regulators require from IENs to begin the licensing process. They also show how the applicants' international education compares to Canadian nursing competencies. Read the [full article](#) by [Jim Wilson](#) on HRReporter.

Act or Regulation Affected	Effective Date	Amendment Information
Access to Services (COVID-19) Act	REPEALED July 1/23	by c. 33, SBC 2021, s. 7
Government Body Designation (Public Interest Disclosure) Regulation (58/2022)	June 1/23	by Reg 131/2023
Laboratory Services Regulation (52/2015)	June 19/23	by Reg 149/2023
Medical and Health Care Services Regulation (426/97)	June 19/23	by Reg 149/2023
Pharmacists Regulation (417/2008)	June 1/23	by Reg 111/2023
Pharmacy Operations General Regulation	June 1/23	by Reg 111/2023
Reporting Information Affecting Public Health Regulation (167/2018)	June 19/23	by Reg 150/2023
Vaccination Status Reporting Regulation (146/2019)	June 19/23	by Reg 150/2023



LABOUR & EMPLOYMENT

Labour and Employment News:

Impact of British Columbia's Pay Transparency Act on Employers

British Columbia's (BC) new [Pay Transparency Act](#) (the Act) was passed on May 11, 2023, imposing limitations on employers in the hiring process, as well as obligations to report pay. The Act also creates the role of Director of Pay Transparency. The key obligations are as follows:

- **Pay history:** Employers must not ask job applicants their previous pay rate;
- **Job postings:** Employers must include the expected pay or pay range for publicly posted jobs from November 1, 2023, onwards;
- **Pay secrecy:** Employers must not discipline or otherwise harass an employee who asks about their pay, reveals their pay to another employee or someone applying to work with their employer; asks their employer about its pay transparency report, or gives information to the Director of Pay Transparency about their employer; and
- **Pay transparency report:** Applicable employers must complete and post pay transparency reports, which will be published annually on June 1 by the Ministry of Finance. Applicable employers currently include the government and specified Crown corporations; however, starting November 1, 2024, all employers with 1,000 or more employees will be required to comply. By 2027, all employers in BC will be required to complete and post pay transparency reports unless exempted by regulation.

Read the [full article](#) by [Rachel Au](#) and [Victoria Merritt](#) with Dentons LLP.

Salina v. Investors Group: Employers Do Not Owe a Duty of Care to Employees in Connection with Workplace Investigations

In *Salina v. Investors Group Financial Services Inc.*, [2023 BCSC 86](#) (the "Decision"), the Supreme Court of British Columbia (the "Court") considered the question of whether an employer owes its employee a duty of care in conducting internal investigations of their employees' conduct. Drawing on appellate jurisprudence, the Court

ultimately found that employers do not owe such a duty of care to their employees. The Decision offers guidance and key assurances to employers navigating internal workplace investigations as well as investigations by regulatory bodies.

The plaintiff, Mr. Salina, (the "Plaintiff") was engaged by the defendant, Investors Group Financial Services Inc. (the "Investors Group") as an investment advisor pursuant to a consulting agreement entered into in 2002. Both the Plaintiff and the Investors Group were regulated members of the Mutual Fund Dealers Association of Canada ("MFDA"). As a result, both parties were subject to the regulatory requirements, standards of practice, and rules of the MFDA bylaws and the British Columbia [Securities Act](#), R.S.B.C., c. 418 (together, the "Rules"). Read the [full article](#) by [Tamara Ticoll](#) and [Alexandra Urbanski](#) with Stikeman Elliott LLP.

More Changes Coming to the Canada Labour Code and Regulations

Effective July 9, 2023, the [Canada Labour Code](#) (the "Code") and its regulations will be amended to modernize federal labour standards. These changes are intended to assist workers with the recovery of unpaid work-related expenses, clarify employees' conditions of employment, and provide employees who use menstrual products with more hygienic conditions.

Here is our summary of the key changes.

Reimbursement for work-related expenses

Subject to certain limitations, employers will be required to reimburse employees for reasonable work-related expenses within 30 days of an employee submitting a claim for payment where there is no written agreement setting out an alternative time limit. Different rules apply to unionized operations. The [Canada Labour Standard Regulations](#) will be amended to prescribe factors to consider in determining if an expense is work-related and if it is a reasonable expense.

Read the [full article](#) by [Giovanna Di Sauro](#) and Wayne Cente (Summer Student) with DLA Piper.

Why Claim a Breach of Fiduciary Duty When a Breach of Confidentiality Already Exists?

In *England Securities Ltd. v. Ulmer*, [2023 BCCA 241](#) Mr. Ulmer worked for England as an Investor Relations Manager. In this role he had access to an extensive list of his employers clients, namely people who invested in their property syndication arrangement.

As England decided to wind down his company, Ulmer worked at another similar company called Churchill. This was done with England's consent. Read the [full article](#) by Barry Fisher, with Barry Fisher Arbitration & Mediation.

BC FSA Issues Best Practices Guidance for Multi-Employer Pension Plans

On June 6, 2023, the BC Financial Services Authority (BC FSA) issued a new guideline on best practices for multi-employer pension plans (MEPPs).

BC FSA advised in its [Advisory 23-025](#) that the [MEPP Best Practices Guideline](#) is aimed at informing administrators and stakeholders of best governance practices of MEPPs registered in B.C. It also sets out BC FSA's expectations for administrators to adopt risk management policies and procedures designed to manage the various risks faced by pension plans, and to protect the rights and benefits of their members. Read the [full article](#) by [Lisa Chamzuk](#), [Jessica Kim](#) and [Cailey Harris](#) with Lawson Lundell.

3 Legal Complications of Remote Working Arrangements

For many employees, the option of working from home full-time or in a hybrid environment is highly appealing. Nonetheless, it presents difficulties for employers that may result in legal complications and disputes. We explore some of these potential issues below.

Ensuring safe workspaces

Workplace accidents and injuries can happen in any industry and any workplace – even in the comfort of someone's home. And [according to WorkSafeBC](#), the BC [Workers Compensation Act](#) and [Occupational Health and Safety Regulation](#) will still apply to remote workers. That is, employees continue to have a claim to worker's compensation benefits if they are injured working remotely. However, the worker must have sustained the injury in the course of their employment.

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

Employer Health Tax Clarification [Due Dates]

The [employer health tax website](#) has been updated to clarify instalment payment due dates for the 2023 calendar year.

The instalments will be due on the following dates:

- First instalment – June 15, 2023
- Second instalment – September 15, 2023
- Third instalment – December 15, 2023

The remaining tax payable is due with the employer health tax return by April 2, 2024.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	July 1/23	by Reg 141/2023
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	July 1/23	by Reg 141/2023
Employment Standards Regulation	June 1/23	by Reg 97/2023
	June 2/23	by Reg 136/2023
Social Services Employers Regulation (84/2003)	June 12/23	by Reg 144/2023



LOCAL GOVERNMENT

Local Government News:

What's in a Sign? Recent Caselaw on Signage in Municipal Liability

Any step that a local government can take to limit its liability, particularly one easily acted upon, deserves some thoughtful attention. Two recent decisions show how the humble warning sign can play into municipal liability for negligence, both at common law and in statute. The first shows how signage is not always necessary to prevent a finding of negligence, while the second shows just how important a sign can be. In *Saloojee v Gibsons (Town)* [2023 BCSC 249](#), the plaintiff sued the Town of Gibsons (the "Town") under the [Occupiers Liability Act](#) for the paralyzing injuries he suffered when part of a dead tree fell on him in a forested park operated by the Town. The plaintiff, a minor at the time of his injury, had been pushing on the tree with another youth when a piece snapped off and struck him. At the time, The Town's Bylaw No. 1012 made it an offence to "[d]estroy, alter, damage, or remove any tree" and permitted (but did not require) the Director of Parks to "post signs from time to time in or on a public place as needed for the safe and efficient use of that public space". Read the [full article](#) by Eman Jeddy and Aidan Andrews with Young Anderson Barristers & Solicitors.

"Bid Shopping" in a Tendering Process

Participation in a tendering process may require contractors to expend significant effort and incur costs to prepare their bids, obtain bid security, hold their pricing for a specified period of time, and be bound by the terms of the construction contract. While contractors assume these risks without any promise of being awarded the construction contract, they do have an expectation that their bids will be taken seriously and that they, and their competitors, will be treated equally and fairly. This is the legal construct that Canadian courts seek to uphold in an effort to preserve the integrity of the tendering process. This article discusses how the Canadian courts have responded when such expectations are not maintained. Read the [full article](#) by Marcela Ouatu with Civic Legal.

Attention all Collectors! Significant New Tax Sale Notice Requirement

On March 9th, [2023, Bill 3: Miscellaneous Statutes Amendment Act, 2023](#) ("Bill 3") received royal assent. Bill 3 amends the [Local Government Act](#) ("LGA") by establishing [a new requirement for municipalities to provide advance notice](#) of impending tax sales. Currently, section 657 of the LGA requires the municipal tax collector to give notice of the tax sale and redemption period after the property has been sold at the annual tax sale. Bill 3 adds a new requirement for the collector to give advance notice to all registered owners and chargeholders of properties to be

offered for sale, at least 60 days before the annual tax sale. Read the [full article](#) by Mike Quattrocchi and Julia Tikhonova with Young Anderson Barristers & Solicitors.

Invitation to Contribute on Policy to Regulate Controlled Substances in Public Spaces

The BC Ministry of Public Safety and Solicitor General is undertaking policy work to support possible Fall 2023 legislation to regulate the use of drugs in certain public spaces. Local government elected officials and senior leadership staff are invited to participate in one of two virtual engagement sessions on July 13 and 19, or to submit written comments. Read the UBCM [article](#) for more information.

Relationship Between Snow-Clearing Contractor and General Public Using Sidewalk not Sufficiently Proximate to Establish Duty of Care: BC Court of Appeal

Does an agreement between a private entity and a contractor to maintain a public area in accordance with city bylaws create a duty of care owed by the contractor to general users? In a recent decision by the BC Court of Appeal in *Magdalena Pavlovic v. Just George Cleaning and Maintenance Inc.*, [2023 BCCA 219](#), the Court affirmed that a contractor who maintains a public property on behalf of a private entity does not owe a duty of care to general users of the sidewalk beyond the applicable regulations and bylaws. Read the [full article](#) by [Sina Sahebpour Lighvan](#) and [Alexa R. Benzinger](#) with Alexander Holburn Beaudin + Lang LLP.

How Small Municipalities Are Dealing with Big-time Growth

In the most recent census, Whistler, Squamish and Pemberton [experienced some of the highest population growth rates](#) in the province, with Pemberton being the [fastest-growing village](#) in B.C. In Whistler, officials are working hard on what they're calling the Balance Model Initiative, which seeks to achieve a balanced future for the resort amidst projections of possible runaway growth. And yet, these communities are not alone in their experiences, with smaller municipalities across the country experiencing similar challenges with rapid growth as Canada's population passes 40 million for the first time ever. Read the *BIV* [article](#).

Emergency Management Legislation Delayed to Fall 2023

Earlier this year, the Ministry of Emergency Management and Climate Readiness (EMCR) revised its timeline for the introduction of [new emergency management legislation](#) from spring 2023 to fall 2023. In the meantime, the Ministry will use the remaining time to discuss the legislation with communities. One reason for delaying the legislation was to ensure that new requirements did not take effect immediately prior to the hazard season. A phased implementation is expected to begin immediately after new legislation is brought into force. In the near future, the Province will also begin modernizing associated regulations, including the [Local Authority Emergency Program Regulation](#), which includes a framework for local emergency management planning requirements. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Liquor Control and Licensing Regulation (241/2016)	June 29/23	by Reg 168/2023
Regional District of Okanagan Similkameen Land Use Contract Termination Regulation (133/2021)	REPEALED June 2/23	by Reg 135/2023



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Minister of Transport Proposes New Amendments to Enhance Transparency and Accountability of Canadian Ports

On June 20, 2023, the Minister of Transport introduced proposed legislative amendments to the [Canada Marine Act](#), S.C. 1998, c. 10 ("CMA") aimed at enhancing transparency and accountability in the transportation system. The proposed Bill C-52, the [Enhancing Transparency and Accountability in the Transportation System Act](#) ("Bill C-52") would amend the CMA and the [Canada Transportation Act](#), and also enact the *Air Transportation Accountability Act*. Port terminals, freight shippers and other port users should take particular note of the amendments proposed in

respect of the *Canada Marine Act*.

Canada currently has 17 port authorities established under the CMA which are federally incorporated, financially self-sufficient crown corporations. Generally speaking, the CMA tasks the port authorities with functioning as both the commercial operators of Canada's ports and, at the same time, as a federal body tasked with (amongst other things) regulating the use of the property it manages and authorizing certain activities within the ports. In order to permit the port authorities to fulfill their federal purposes on a financially self-sufficient basis, the CMA permits the port authorities to set fees for the use of the port, port facilities and port services. In their role as commercial operators of Canada's ports, the port authorities also enter into terminal leases at ports. Read the [full article](#) by [Taryn Urquhart](#) and [Forrest Hume](#) with DLA Piper.

Reconditioning, Remanufacturing and Repair of Drums for the Transportation of Dangerous Goods (CAN/CGSB-43.126)

Open on June 22, 2023 and will be closed on August 21, 2023.

The Canadian General Standards Board (CGSB) has released the draft of Safety Standard CAN/CGSB-43.126 for a 60-day consultation period. This standard is incorporated by reference within the [Transportation of Dangerous Goods Regulations](#) (TDG Regulations) and the new edition will come into force once published with a six-month phase-in (transitional) period.

Safety standard CAN/CGSB-43.126 sets out the requirements for reconditioning, remanufacturing and repair of drums for the transportation of dangerous goods. From [Transport Canada](#).

Trucker Precluded from Recovering Damages in Trucking Accident Case: BC Court of Appeal

The BC Court of Appeal has upheld the finding of the Workers' Compensation Appeal Tribunal (WCAT) of the existence of an employer-employee relationship in a trucking accident case, which precludes the recovery of damages.

In *Campbell v. Workers' Compensation Appeal Tribunal*, [2023 BCCA 245](#), David Campbell sustained significant injuries when a logging truck collided with his truck. Bowden Contracting Ltd. owned the logging truck, and its employee, Christopher Elliott, was driving the truck at the time of the incident. The accident occurred on Barkerville Highway in central British Columbia. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Recent Regulatory Consultations and Upcoming Regulatory Amendments

To keep our stakeholders up to date regarding the [Transportation of Dangerous Goods Regulations](#) (TDGR), the Transportation of Dangerous Goods (TDG) Directorate has compiled a list of recent consultations and upcoming regulatory amendments along with details and relevant links. Read the [full notice](#) from Transport Canada.

BC Court of Appeal Clarifies Rule on Deducting Benefits from Damages Award in Personal Injury Case

The BC Court of Appeal has ruled against the deduction of benefits from the damages awarded to the plaintiff who was injured in a motor vehicle accident.

In *Blackburn v. Lattimore* [2023 BCCA 224](#), Hailey Blackburn was a passenger on a bus when her head hit a metal railing, resulting in an injury. She sued the bus operators for damages, and the court issued a judgment in her favour, ordering the defendants to pay damages. The Insurance Corporation of British Columbia (ICBC) is the insurer liable to pay no-fault benefits to Blackburn under part 7 of the [Insurance \(Vehicle\) Regulation](#). The judge decided to reduce the damages awarded by the amount of the part 7 benefits to which Blackburn would be entitled. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [NSC Bulletin 01-2022](#) – Publication of Carriers Cancelled for Cause
- [Circular 01-23](#) – Illuminated Stop and School Bus signs on yellow and black school buses
- [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](#).

Passenger Transportation Board Bulletins

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

Applications Received

- [17753-23](#) – Green Cab
- [17867-23](#) – Kaiser Taxi Services
- [17342-23](#) – Arcadia Tours
- [17754-23](#) – Tsawwassen Green Cab
- [17800-23](#) – Skeena Taxi Ltd.
- [17860-23](#) – Bluebird Cabs
- [17970-23](#) – Gagandeep Singh Dhillon
- [17992-23](#) – Cobble Hill Taxi
- [17993-23](#) – A Stylish Arrival Chauffeured Service, A Stylish Arrival
- [17650-23](#) – Big Mountain Little Shuttle
- [17968-23](#) – Supreme Limo

Application Decisions

- [16839-23](#), [16844-23](#) – City and Country Taxi Service Limited [Approved]
- [17417-23](#) – The Luxporter [Refused]
- [17463-23](#) – A.C. Taxi [Approved]
- [17366-23](#) – Quesnel Taxi Ltd. [Approved]
- [17934-23 PS TOP](#) – Presidential Limousines Ltd. [Approved]
- [16273-22](#) – Electric Taxi [Approved in Part]
- [17832-23](#) – Language Limousine [Approved]
- [17898-23](#) – Kimta Transportation Society [Approved]
- [17980-23 PS TOP](#) – Luxury Life Limousine Inc. [Approved]
- [16746-23](#) – Sharon Louise Walker [Approved]
- [16965-23](#) – Evergreen Taxi Ltd. [Approved]
- [17031-23](#) – Kalum Kabs [Approved]
- [17431-23](#) – EV Tours [Approved]
- [17509-23](#) – Mountain Car Service [Approved]
- [17897-23 TOP](#) – Excel Limousine [Approved]
- [17890-23 TOP](#) – Eco Taxi [Approved]
- [16232-22](#) – Sips & Trips Brewery Tour & Shuttle [Withdrawn]
- [18121-23 TOP](#) – Imperial VIP Services, Classic Livery & Coach [Approved]
- [17325-23](#) – Island Rides, Insight Heritage [Approved]
- [17478-23](#) – Victoria Taxi [Approved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Transportation Act Regulation (546/2004)	June 22/23	by Reg 152/2023



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Province Changes Rules around Workers' Comp

Injured workers in British Columbia will be better supported to return to work thanks to new requirements under the province's [Workers Compensation Act](#). Effective Jan. 1, 2024, an employer and injured worker will be required to cooperate with each other and with WorkSafeBC to ensure the worker can return to their pre-injury job, a comparable job or, where the worker is not fit to do their pre-injury work duties, to other suitable work. Read the [full article](#) by [Jim Wilson](#) on HRReporter.

Mental Disorder Policy Review

– from [WorkSafeBC](#)

Our Policy, Regulation and Research Department is releasing a discussion paper with proposed amendments to mental disorder policy. The compensation policy review *Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy* makes two recommendations to amend WorkSafeBC's mental disorder policy in the *Rehabilitation Services & Claims Manual*, Volume II.

- Recommendation #39 suggests amending policy to update the definition of "significant work-related stressor" by removing the requirement for the stressor to be unusual.
- Recommendation #40 suggests amending policy to clarify the application of the "labour relations exclusion" provision in the [Workers Compensation Act](#).

The discussion paper and information on how to provide feedback can be found here:

[Proposed amendments to mental disorder policy](#)

You're invited to provide feedback on the options until 4:30 p.m. on Friday, October 6, 2023. WorkSafeBC's Board of Directors will consider stakeholder feedback before making a decision on the policy amendments.

Board of Directors Approves Amendments to the Occupational Health and Safety Regulation

At its April 2023 meeting, WorkSafeBC's [Board of Directors approved amendments](#) to the [Occupational Health and Safety Regulation](#). These amendments will come into effect on November 1, 2024. The amendments apply to Part 3, Minimum Levels of First Aid. View the [WorkSafeBC bulletin](#) for more information.

BC Mandates Licensing Requirement for Asbestos Abatement Contractors

British Columbia has become the first jurisdiction in Canada to enforce a licensing requirement for asbestos abatement contractors. Starting January 1, 2024, all contractors conducting asbestos abatement work in B.C. must be licensed, ensuring enhanced safety measures for workers and the public. The decision to introduce this licensing requirement stems from [amendments made to the Workers Compensation Act in spring 2022](#). These amendments mandate that contractors engaged in asbestos abatement work must be licensed and can only employ trained and certified workers for this specialized field. The changes were implemented to guarantee the utmost safety for those involved in asbestos abatement operations. Read the [full article](#) by Shane Mercer with Canadian Occupational Safety.

Maintaining Employment for Injured Workers

Supporting injured workers in their return to work is good for them and good for business. Starting in 2024, it will also be a [legal requirement](#) for employers to co-operate with injured workers and with WorkSafeBC to ensure the worker's safe and timely return to work. Read the WorkSafeBC [article](#).

Proposed Policy Amendments Regarding Chronic Pain

WorkSafeBC policy states a worker's chronic pain may be compensable when the pain results as a consequence of a work-related injury or disease. Our Policy, Regulation and Research Department is releasing a discussion paper with proposed amendments to policy to reflect medical literature and improve consistency in the adjudication, management, and treatment of chronic pain. You're invited to provide feedback on the discussion paper, with options on proposed policy amendments regarding chronic pain, until 4:30 p.m. on Friday, October 6, 2023. Read the WorkSafeBC [article](#).

Update: Employers Can Provide Feedback on Interpretation of New BC Return-to-Work Requirements

As [we previously reported](#), the BC Government amended the [Workers Compensation Act](#) (the "WCA Amendments") to impose new obligations on BC employers in respect of the return of injured workers to their job. Effective January 1, 2024, BC employers will have a statutory obligation to return injured workers to their job. These employers will have a new statutory duty to return injured workers to their pre-injury work or alternative work of equal value and pay, in addition to the duty to accommodate returning workers to the point of undue hardship, if they employ more than 20 workers. The WCA Amendments also create a new mutual duty for all employers and injured workers to cooperate with one another to support the worker's return to employment. Failing to comply with these new statutory duties may result in administrative penalties to employers. Read the [full article](#) by Michelle S. Jones, Miny Atwal and Samantha Andison with Lawson Lundell LLP.

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

- Part 5 Chemical Agents and Biological Agents

Table of Exposure Limits for Chemical and Biological Substances

The table has been updated to reflect changes to OHS Policy R5.48-1 (amended June 6, 2023). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

OHS Policies – Occupational Health and Safety Regulation

OHS Policy R5.48-1 has been amended to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for 2023 from the American Conference of Governmental Industrial Hygienists (effective June 6, 2023).

- [R5.48-1 Controlling Exposure – Exposure Limits](#)

Visit the [WorkSafeBC website](#) to explore these and previous updates.

Act or Regulation Affected	Effective Date	Amendment Information
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There were no amendments this month.



PROPERTY & REAL ESTATE

Property and Real Estate News:

‘Objective Interpretation’ Needed to Define ‘Infestation,’ Judge Says in Denying Condo Buyer’s Claim

For some, one unwanted bug may constitute an infestation. For others, even 100 undesired insects would not. That is why, wrote a Supreme Court of British Columbia judge [in a recent decision](#), attributing a subjective interpretation of the word "infestation" would "render it meaningless" in the context of a property disclosure statement. As a result, Justice Steven Wilson ruled that a BC lawyer was not entitled to compensation for what she described as an infestation of silverfish in a condominium she purchased in 2018. He ruled that the condo sellers were "not untruthful" when they signed a PDS attesting that they knew of no infestation by insects or rodents. Read the [full article](#) by [Zena Olijnyk](#) on Canadian Lawyer.

BC Judge Overrules Order that 'Landlord' Pay Evicted Tenants a Year's Rent of \$34,000

A judge has overturned a tenancy tribunal order that awarded \$34,000 to North Vancouver renters who had been evicted. The tribunal ruled that because the eviction notice was signed by the building owners' son, that meant he was the landlord, and because he didn't move in, the eviction was illegal. But Milad Hefzi said he was acting as his parents' agent, as their English wasn't proficient, when he signed his name next to the words "landlord/agent" on the eviction form. Read the *Vancouver Sun* [article](#).

Part Two: What to Do When You Receive an Unfavourable RTB Decision

While part one of my blog post discussed the British Columbia Residential Tenancy Branch's ("RTB") internal review process for its decisions, part two of this post will walk through the Judicial Review process that may be pursued if you are a landlord or tenant who has received an RTB decision that you feel made a significant error in law, fact, or hearing procedure. A Judicial Review is a Petition to the Supreme Court of British Columbia to review an RTB arbitrator's decision and/or hearing procedures. A Judicial Review is not an appeal. It is not another chance for a second hearing. It is the narrow window, bestowed upon the Court by the legislature, in which the Court can supervise the RTB's jurisdiction. A Petition to the Court is a document that summarizes the dispute that was before the RTB, the hearing that was held, the decision received, and the remedy being sought from the Court (e.g. typically to set aside the RTB arbitrator's decision/order and schedule a new hearing). A Petition is accompanied by an Affidavit which is a sworn statement outlining the facts and documents relevant to the Judicial Review. Apart from any sworn statements you may want to make about hearing procedures, it is the RTB / Attorney General that will file an Affidavit containing the official "record" of the documentary materials that were before the arbitrator when they made their decision. As such, it is important that the RTB and the Attorney General be served with your Petition for Judicial Review. Read the [full article](#) by [Andrea Fammartino](#) with Alexander Holburn Beaudin + Lang LLP.

BC Launches \$500M Rental Building Buy Fund

The \$500 million fund, backed by the B.C. government, aims to help First Nations and other non-profit groups buy older "affordable" rental buildings to preserve them as low-cost rental housing. Maslechko is the former director of development for Vancouver-based real estate developer Beedie, and has street cred in working with non-profits.

Maslechko chairs the Urban Land Institute's Public-Private Partnership Product Council, comprised of leaders in city-building from across North America in public, private and quasi-public roles. She previously served as a non-profit board director, and on the Urban Development Institute's Women of UDI Committee. Read the [BIV article](#).

For Rent: Bill 44 and Its Impact on Rental Restrictions and Short-term Accommodation Bylaws

Norent Estates is a small self-managed residential strata corporation in North Saanich, British Columbia. For years, Norent Estates has had a rental restriction bylaw limiting the total amount of permitted rentals to four strata lots. At its last Annual General Meeting, the community also passed a bylaw prohibiting owners from using and advertising their strata lots as a vacation accommodation. Recently, one of the Council members read a newspaper article about [Bill 44](#) and wondered what impact, if any, its amendments had on their community's bylaws. Could Council continue to enforce its rental restriction bylaw so long as it remained registered in the Land Title Office? Did Bill 44 eliminate an owner's need to notify Council when they rented their strata lot? Is Council still able to restrict the use of a residential strata lot as vacation accommodation? Bill 44's arrival raised a million questions..... Read the [full article](#) by [Lisa Mackie](#) with Alexander Holburn Beaudin + Lang LLP.

Who Pays? Installing a Charging Station

Dear Tony:

I submitted a request to my strata council to install a charging station for my electric vehicle. They have agreed that I could be granted permission subject to a long list of conditions including my agreement to pay all costs, pay the legal costs for the alteration agreement. I am concerned about the conditions as the strata council have indicated in the event the strata corporation upgrades to an electrified system, my upgrades will no longer apply and I will have to engage in the strata provided system. Is there some way I can require the strata reimburse me for those costs if there is a change?

Dear Kevin:

The change in legislation with [Bill 22](#) has introduced the concepts of strata corporations either permitting charging stations or electrifying their parking garages for the readiness of stations. Technology is rapidly changing for charging, management of charging and distribution and the vehicles. Everyone who installs a single charging station at this time, with the consent of their strata corporation, should anticipate their station may become redundant or absorbed in some manner into the strata corporation electrification plan.

Read the [full article](#) by Tony Gioventu on Condo Smarts, published by CHOA.

Rising Cost, Demand Spurs Call for Review of BC's Assisted-living Regulations

British Columbia's seniors advocate is calling for an overhaul of the legislation regulating assisted-living facilities in a new report warning of rising costs and mounting demand in the sector. In the report issued Wednesday [June 28], Isobel Mackenzie, said assisted-living facilities are a crucial resource for seniors and people with disabilities seeking to maintain independence, who need support that doesn't rise to the level of long-term care. As the population of seniors has boomed over the last five years, there has only been a two per cent increase in the number of available assisted-units in BC, almost all in the private-pay market, the review found. Read the [full article](#) by Simon Little on *Global News*.

Act or Regulation Affected	Effective Date	Amendment Information
Guide Dog and Service Dog Regulation (223/2015)	June 26/23	by Reg 164/2023

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