



## Vol: VI – Issue 12 – December 2024

### QS News

#### Welcome to 2025

As we look forward to the upcoming spring legislative session, which will commence with the throne speech on February 18, 2025, we are committed to keeping you informed on legislative developments that matter most to you. We are also weeks away from launching our new AI assistant (beta) to select clients for testing. This innovative feature is designed to enhance your ability to research and summarize legislation with ease. Select clients will have the opportunity to test this new tool over the next few months. Please feel free to contact us if you are interested in participating in the testing of this new feature.

The Quickscribe Team sincerely thanks you for your continued support. We wish you a prosperous and happy New Year!

### New Annotations

New Annotations have been added to Quickscribe:

- [Joel Morris](#), Harper Grey LLP – [Health Authorities Act](#), [Health Professions Act](#)
- [Scott Marcinkow](#), Harper Grey LLP – [Employment Standards Act](#)
- [OnPoint Legal Research Law Corporation](#) – [Arbitration Act](#), [Canada Labour Code](#), [Employment Standards Act](#), [Insurance \(Vehicle\) Act](#), [Limitation Act](#), [Local Government Bylaw Notice Enforcement Act](#), [Motor Vehicle Act](#), [Opioid Damages and Health Care Costs Recovery Act](#), [Real Estate Development Marketing Act](#), [Strata Property Act](#), [Strata Property Regulation](#)

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### LOCAL GOVERNMENT

#### Local Government News:

#### BC Law to Push through Vancouver Housing Project Unconstitutional, Court Rules

The B.C. Court of Appeal has ruled that a law passed by the provincial government to stave off opposition to a supportive

housing development in the Vancouver neighbourhood of Kitsilano is unconstitutional. The provincial government had adopted the law at the request of the City of Vancouver in 2023 to push through a 12-storey housing development at Arbutus Street, featuring units open to low-income residents and users of support services. But the Arbutus development was opposed by the Kitsilano Coalition for Children & Family Safety Society, which took the city to court over its in-principle approval of a rezoning to allow the project to go ahead. [Monday's ruling](#) [2024 BCCA 423] says the provincial government "evidently became concerned" that the litigation could delay the rezoning, so it passed the [Municipal Enabling and Validating Act](#) to facilitate the project. Read the CBC [article](#).

### Governance: Common Issues

Despite the decades long history of the governance rules relating to open meetings, conflict of interest, and public participation in meetings, the evolution of the issues facing local governments means that they must continue to grapple with those rules. In this paper, we address some common governance issues on which we are currently called upon to advise. Read the [seminar paper](#) prepared by Sukhbir Manhas, Nick Falzon and Nate Ruston with Young Anderson Barristers & Solicitors.

### New Decision on Use of Video Surveillance in Policing in BC and Canada – Papanbrock-Ryan v Vancouver (City), 2024 BCSC 2288

In an important [decision](#) for policing in Canada and British Columbia, the B.C. Supreme Court dismissed a claim against the City of Vancouver (the "City") and the Chief Constable of the Vancouver Police Department ("VPD") (collectively, the "Defendants") involving the deployment of Public Safety Trailers ("PSTs") and video surveillance in response to anti-Asian hate and threats of violence during COVID-19 pandemic.

#### BACKGROUND

##### The Deployment

Between April 3, 2020 and June 4, 2020, VPD deployed a PST to the Chinese Cultural Centre in Vancouver, BC in response to graffiti that contained racist and serious threats of violence against Asian people, including references to the Holocaust and Hitler, mass murder of Asian people, and the COVID-19 pandemic (the "Graffiti") (the "Deployment"). The Graffiti caused fear in the Chinatown community, which was compounded by the fact that eighty percent of the businesses were vacant, and the public perception that there was a lack of police presence in the area. VPD's primary purpose for the Deployment was to deter any further similar criminal activity and to address the public's safety concerns by creating the perception of police presence. In addition, the PST was intended to supplement existing CCTV from local businesses, the Cultural Centre, and other public spaces if further offences related to the Graffiti occurred at the Cultural Centre or if the Cultural Centre was otherwise targeted.

Read the [full article](#) by [Naomi Krueger](#) and [David McKnight](#) with Alexander Holburn Beaudin + Lang LLP.

### BCLI Public Hearings Committee Completes Review of Draft Report

At its last meeting for 2024, the [Renovate the Public Hearing Project Committee](#) continued its review of the first draft of its final report. Building on the [previous committee meeting](#), which considered legislation requiring a public hearing on a local-land-use bylaw, the committee moved on to discuss other forms of engagement. Local governments are frequently using public-engagement tools – such as open houses and surveys – on land-use bylaws. The committee considered the need for new legislation to address these other forms of public engagement – and discussed how they should relate to the public hearing. Read the [full news release](#) by Kevin Zakreski with the British Columbia Law Institute.

### Local Government Finance: Selected Topics

Financing for local governments in British Columbia is an important aspect of ensuring that municipalities and regional districts can deliver services, maintain infrastructure, and meet the needs of their communities. Municipalities and regional districts finance their day-to-day operations and capital projects using a variety of revenue sources, including property taxes, parcel taxes, grants, user charges, licence fees, developer contributions, reserve funds, asset sales, and borrowing. Planning for these financial needs is an integral part of their budgeting process, which involves developing a financial plan that forecasts expenditures and revenues over a five-year period. Pursuant to [section 165\(5\) of the Community Charter](#) and [section 374\(5\) of the Local Government Act](#) (the "LGA"), the total of the proposed expenditures and transfers set in the financial plan for a year cannot exceed the total of the proposed funding sources and transfers from other funds for that year, meaning local governments cannot run deficits on purpose. In addition, the legislation requires any deficiency resulting from actual expenditures exceeding actual revenues for any year, to be included in the subsequent year's financial plan as a planned

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