



Vol: VII – Issue 7 – July 2025

New Annotations

New Annotations have been added to Quickscribe:

- [Michael Moll](#), Civic Legal LLP – [Local Government Act](#)

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[LABOUR & EMPLOYMENT](#)
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[OCCUPATIONAL HEALTH & SAFETY](#)
[PROPERTY, REAL ESTATE & CONSTRUCTION](#)



LOCAL GOVERNMENT

Local Government News:

Ironclad v West Kelowna Reversed: Court of Appeal Finds a Duty of Procedural Fairness in Setting Latecomer Fees

On June 11, 2025 the BC Court of Appeal reversed the earlier decision of the BC Supreme Court in *Ironclad Developments Inc. v. West Kelowna (City)*, [2024 BCSC 1285](#) (the "Ironclad BCSC" decision) which we wrote about here. The Court of Appeal found in its decision, cited as [2025 BCCA 191](#), that there was a duty of procedural fairness where Madam Justice Hardwick of the BCSC had not.

The Decision Below

The underlying dispute in *Ironclad BCSC* arose when a developer, WestUrban, received approval to develop a property in West Kelowna (the "City") and the City required WestUrban to build "excess and extended services" (which can be roads, water, sewage, drainage facilities, etc. extending beyond the developer's own property). The City had a latecomer fee regime in place to recover the construction costs of excess and extended services proportionally from nearby property owners who benefit from their construction (in the form of "latecomer fees"), and to compensate the developer previously directed to build them.

Read the [full article](#) by Mel van Fram with SMS Law.

Transit-Oriented Development Legislation (TOD) – Washington State

A shout out to [PIBC Peer Learning Network](#) for highlighting and sharing with its members the [opportunity](#) to learn more about Washington State's new TOD legislation. On August 19th, [Mpact](#) will host a [webinar](#) on the new legislation, a model for adding new housing at scale and realizing the untapped potential of transit station areas. The session is free and you can register and learn more

about the event [here](#).

An Update to the Housing Supply Act – Directives and Further Consequences

Over the last two years, we have published several articles on British Columbia's [Housing Supply Act](#) (the "Act"), tracking its enactment, the creation of associated regulation, and the imposition of housing target orders on various municipalities in the Province. Most recently, in response to advisor reports under the Act, the Minister of Housing and Municipal Affairs (the "Minister") has proposed to issue directives to the District of Oak Bay ("Oak Bay") and the District of West Vancouver ("West Vancouver") requiring the amendment of various land-use bylaws and plans. Read the [full article](#) published by Civic Legal LLP.

Commission Recommends Risk Assessments for All Public Events

The Province has published the [final report](#) of the independent Commission of Inquiry into Community Events Safety. This report comes approximately one month after UBCM delivered its [input](#) to the Commission, and just over two months since the tragic events that took place during the City of Vancouver's Lapu-Lapu Day Festival. The Commission's report includes six recommendations for the Province's consideration. These recommendations are the culmination of the Commission's two-month study that included stakeholder engagement (e.g., written submissions, interviews, questionnaires), a jurisdictional scan, and review of local government bylaws and other relevant guidelines and processes. Read the UBCM [article](#).

Routine Release Gets a Routine Check-Up

The Office of the Information and Privacy Commissioner for British Columbia ("OIPC") released Investigation Report 25-01 earlier this year on local governments' disclosure of records under the [Freedom of Information and Protection of Privacy Act](#) ("FIPPA"), identifying four specific issues and providing corresponding recommendations to improve upon freedom of information ("FOI") processes. One of the issues identified was in relation to the proactive disclosure of records, a type of routine release where records are publicly disclosed outside of a formal FOI request. Pursuant to section 71 of FIPPA, public bodies must establish categories of records that are available to the public without making an FOI request. Read the [full article](#) by Amy O'Connor published in the Young Anderson Newsletter Volume 36, Number 2 – LGMA Conference Issue.

Community Amenity Contributions Policy Found to Be Improper Mandatory Payment Regime

In June 2025, Mr. Justice Coval found that the Township of Langley's Community Amenity Contributions (CAC) Policy constituted an improper mandatory amenity payment regime, which meant the CAC Policy was invalid and set aside. The decision is published as *Lorval Developments Ltd. v. Langley (Township)*, [2025 BCSC 1148](#). The [LGA](#) allows local governments to impose development cost charges (DCCs) for certain off-site services; namely, water, sewer, drainage and roads and park land. But, over the past decade, local governments increasingly relied upon the rezoning process to negotiate and secure CACs such as affordable housing and contributions towards recreation facilities and other community amenities that cannot be funded through DCCs. Read the [full article](#) by Josh Krusell with SMS Law.

The BCSC Throws Out City Council's Unanimous Censuring of Its Mayor

Paull v. Quesnel (City), [2025] [B.C.J. No. 332](#), British Columbia Supreme Court, March 3, 2025, H.W. Veenstra J.

The petitioner, mayor of the City of Quesnel, sought a judicial review of decisions made by the council of the City of Quesnel (the "City") leading up to and including three resolutions censuring and sanctioning him. These reprimands flowed from allegations relating to a book that disputed findings of the Truth and Reconciliation Commission. Particularly, the mayor's wife distributed the book, the mayor condoned the distribution and attempted to distribute the book at a regional district board meeting. Prior to passing the resolutions, the City Council was provided with a staff report that contained information on the potential censure and sanction of the mayor. The mayor argued the resolutions were procedurally unfair because the staff report was ambiguous and did not clearly indicate that censure and sanctions would be decided, and that the staff report failed to provide specific details and evidence about the alleged misconduct. Read the [full article](#) by Eric Mo with Harper Grey.

BC Government Launches Public Engagement on Infrastructure Projects Act: What You Need to Know

The BC Ministry of Infrastructure has officially opened a province-wide public engagement to gather feedback on the implementation of the [Infrastructure Projects Act](#), passed just two months ago in May 2025. In our article [New legislation alert: Streamlined approval processes for major projects in B.C. and Canada](#), we examined the key features of recent legislative reforms – including B.C.'s Infrastructure Projects Act – which collectively aim to accelerate approvals for major infrastructure and energy projects. This newly announced engagement process is a major development in the implementation of the *Infrastructure Projects Act*. This article outlines the Province's public engagement initiative and what it means for proponents. Read the [full article](#) by Rick Williams, Chris Roine, Roark Lewis and Dalal Tubeishat with Borden Ladner Gervais LLP.

More Support for Builders Will Unlock More New Homes in Metro Vancouver

Government has made regulatory changes that protect homebuilders' projects from increases in Metro Vancouver Regional District development cost charges, freeing up hundreds of millions of dollars in capital to invest in additional new homes. Eligible projects now will be protected from increases to development cost charges for 24 months instead of the previous 12. This will help to ensure that homebuilders, future homebuyers, renters and tradespeople in Metro Vancouver will have more certainty that housing projects, which are planned or under construction, will continue to be built. Read the government [news release](#).

Heritage Conservation Act: Local Government Engagement Opportunity

Senior and technical local government staff and elected officials are encouraged to attend a BC government webinar on proposed amendments to the [Heritage Conservation Act](#) (HCA) on August 12, 9am – noon PDT. Register in advance to ensure you receive an information package from the Ministry of Forests beforehand. Written submissions with feedback on the proposed amendments will

be accepted until October 1, 2025 via email. Read the UBCM [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Agricultural Land Commission Act	July 1/25	by 2025 Bill 14, c. 12, section 24 only (in force by Reg 92/2025), Renewable Energy Projects (Streamlined Permitting) Act
Greater Vancouver Sewerage and Drainage District Act	RETRO to Mar. 21/25	by 2025 Bill 13, c. 7, section 8 only (in force by Reg 104/2025), Miscellaneous Statutes Amendment Act, 2025
Independent School Regulation (262/89)	July 1/25	by Reg 97/2025
Local Government Act	RETRO to Mar. 21/25	by 2025 Bill 13, c. 7, section 8 only (in force by Reg 104/2025), Miscellaneous Statutes Amendment Act, 2025
School Calendar Regulation (314/2012)	July 1/25	by Reg 91/2025



COMPANY & FINANCE

Company and Finance News:

Federal Court Rejects CRA's Vague and Inconsistent Information Request against Shopify Inc.

In the recent decision of *Canada (National Revenue) v. Shopify Inc.*, [2025 FC 969](#) ("Shopify"), the Federal Court refused to authorize the Canada Revenue Agency (the "CRA") to issue a so-called "unnamed person requirement" ("UPR") to Shopify Inc. (the "Shopify UPR"). A UPR is a type of requirement letter seeking information about an "ascertainable group of unnamed persons" separate from the recipient of the letter. By the Shopify UPR, the CRA sought to obtain a list of certain Shopify merchants and various categories of information associated with those merchants' accounts. Shopify opposed that request, and the Court ultimately found against the CRA. In refusing to authorize the Shopify UPR, the Court concluded that the CRA had not satisfied the statutory preconditions for its authorization and, even if it had, the Court would exercise its residual discretion to limit the Shopify UPR's scope. Read the [full article](#) published by Daniel Sze with Thorsteinssons LLP.

What Bill C-2 Means for Financial Institutions: Key Changes to Canada's Anti-money Laundering Regime

On June 3, 2025, [Bill C-2](#), also known as the *Strong Borders Act*, was tabled in Parliament, bringing with it sweeping changes to Canada's anti-money laundering ("AML") framework. These proposed amendments to the [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act](#) (the "PCMLTFA") aim to strengthen Canada's efforts against money laundering and terrorist financing by introducing more stringent compliance requirements, significantly higher penalties, and enhanced regulatory oversight. For institutions in the financial sector, this means stricter obligations, including mandatory enrolment with the Financial Transactions and Reports Analysis Centre of Canada ("FINTRAC") and the risk of increased fines for non-compliance. This article delves into the key changes proposed by Bill C-2 and what financial institutions need to know to stay ahead of the evolving compliance landscape. Read the [full article](#) by Stefan Mirkovic and Erika Cabral with Miller Thomson.

Settlements: Tax Outcomes Every Litigator Needs to Know

Damages, settlement payments and indemnity payments frequently arise as a result of disputes in the commercial context. The income tax treatment of such payments can significantly impact their financial consequences for both the payor and recipient. Depending on their characterization, such payments may be fully taxable, partially taxable, and in certain cases, non-taxable. This article highlights key tax implications and planning strategies relevant to the taxation of settlement and indemnity payments, and discusses the importance of considering the tax implications of such payments to optimize financial outcomes and minimize tax liability when the circumstances allow for it.

Not All Damages Or Settlement Payments Are Equal (After Tax)

When determining the tax consequences of a settlement or damages payment, the payment should generally be characterized in the same manner as what it is intended to replace (e.g., business income, capital property, or salary).

Read the [full article](#) by Dominic Bedard-Lapointe, Marie-Soleil Landry, Simon Douville, Daniel A. Downie, Colton Dennis and Emma Murrin with McCarthy Tétrault LLP.

The New British Columbia Commercial Liens Act

British Columbia has brought into effect the new [Commercial Liens Act](#) ("the Act"). It is designed to consolidate a number of outdated pieces of legislation and common law principles into a single statutory framework to provide a one-stop shop for service providers who rely on commercial liens. If you operated under or were affected by the [Livestock Lien Act](#), [Repairers Lien Act](#), [Tugboat Worker Lien Act](#), [Warehouse Lien Act](#), [Woodworker Lien Act](#), all of these Acts have been repealed. The legislation also abolishes common law possessory liens. Liens under the [Builders Lien Act](#) and the [Forestry Service Providers Protection Act](#) are unaffected and will continue

to be governed by these statutes. Read the [full article](#) by Heather L. Jones and Manisha Mann with Gowling WLG.

CSA Invites Comments on Process Refinements and an Oversight Model for a Proposed Dispute Resolution Service for Investor Complaints

The Canadian Securities Administrators (CSA) are asking for comments on a proposed framework to oversee an independent dispute resolution service with binding authority for resolving investor complaints. The authority is expected to be the Ombudsman for Banking Services and Investments (OBSI), which currently helps resolve disputes between clients and financial institutions arising from client complaints. The CSA proposes an oversight framework to accompany the plan to grant OBSI binding authority. This framework aims to balance preserving OBSI's independence and ensuring accountability. The CSA's primary aim is to establish a neutral, fair and effective dispute resolution process for resolving investment complaints while offering businesses clarity on dispute outcomes. The CSA proposal builds on amendments and a request for comment from the CSA in 2023 regarding changes to the complaint handling provisions in [National Instrument 31-103: Registration Requirements, Exemptions and Ongoing Registrant Obligations](#) (NI 31-103). They also explored potential structural elements of a regulatory framework for the creation of a dispute resolution service with binding decision-making authority. The current CSA proposal includes refinements to the 2023 proposed framework. The comment period closes on September 15, 2025. Read the [full article](#) by Will Osler, Ali Naushahi, Bosa Kosoric and Yuliya Bairamova with Bennett Jones LLP.

CSA Updates Venture Issuers and Director Elections

The "venture issuer" definition is being amended to address the evolving landscape of the Canadian stock exchanges, including the creation of the Canadian Securities Exchange (CSE) senior tier. Changes in corporate governance developments under the [Canada Business Corporations Act](#) (CBCA) are also being incorporated into Canadian securities laws.

Takeaways

Effective September 19, 2025:

- The CSE's new senior tier will be recognized as a non-venture tier, aligning its treatment with other non-venture exchanges.
- The name changes of Aequis NEO Exchange Inc. to Cboe Canada Inc. and the PLUS markets to AQSE Growth Market will be reflected in the definition of "venture issuer".
- Amendments to NI 51-102 will be made to clarify the voting requirements applicable to uncontested director elections for reporting issuers incorporated under the CBCA or other corporate statutes with similar codified majority voting provisions.

Read the [full article](#) by [Laura Levine](#) and [Ben Keen](#) with Borden Ladner Gervais LLP.

BC Securities – Policies & Instruments

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

- [51-366](#) – Regulatory Concerns with Certain Asset or Business Acquisitions
- [13-102](#) – Adoption of amendments to Multilateral Instrument 13-102 System Fees
- [BC Notice 2025/03](#) – Solicitation of New Members for Fintech Advisory Forum
- [25-314](#) – Proposed approach to oversight and refinements to the proposed binding authority framework for an identified ombudservice
- [81-102](#) – Investment Funds
- [31-366](#) – OBSI Joint Regulators Committee Annual Report for 2024
- [81-930](#) – CSA Notice Regarding Coordinated Blanket Order 81-930 Exemptions from Certain Repurchase Transactions Requirements for Investment Funds
- [96-101](#) – Amendments to Multilateral Instrument 96-101 Derivatives: Trade Reporting
- [91-101](#) – Amendments to Multilateral Instrument 91-101 Derivatives: Product Determination
- [13-103](#) – Amendments to National Instrument 13-103 System for Electronic Data Analysis and Retrieval + (SEDAR+)

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

Act or Regulation Affected	Effective Date	Amendment Information
Contravention of Prescribed Provisions Regulation (566/2004)	July 14/25	by Reg 117/2025
Designated Accommodation Area Tax Regulation (93/2013)	Aug. 1/25	by Reg 59/2025
Film and Television Tax Credit Regulation (4/99)	RETRO to July 14/25	by Reg 119/2025
Financial Institutions Act	July 14/25	by 2022 Bill 29, c. 27, section 90 only (in force by Reg 108/2025), Mortgage Services Act

Financial Services Authority Act	July 14/25	by 2021 Bill 8, c. 2, section 164 only (in force by Reg 117/2025), Financial Institutions Amendment Act, 2021
Insurer Exemption Regulation (366/2007)	July 14/25	by Reg 116/2025
Multilateral Instrument 91-101 <i>Derivatives: Product Determination</i> (202/2016)	July 25/25	by Reg 139/2025
Multilateral Instrument 96-101 <i>Derivatives Trade Reporting</i> (203/2016) (formerly <i>Multilateral Instrument 96-101 Trade Repositories and Derivatives Data Reporting</i>)	July 25/25	by Reg 139/2025
National Instrument 13-103 <i>System for Electronic Data Analysis and Retrieval + (SEDAR+)</i> (138/2023)	July 25/25	by Reg 139/2025
Wines of Marked Quality Regulation (168/2018)	July 14/25	by Reg 118/2025



FOREST & ENVIRONMENT

Forest and Environment News:

Next Stage Of Engagement Begins on *Heritage Conservation Act* Changes

In partnership with the First Nations Leadership Council, the Province is moving forward to the next stage of consultation and engagement on modernizing the [Heritage Conservation Act](#).

The act, which regulates the protection, management and conservation of cultural and heritage sites in B.C., was last substantively updated in 1996.

"The *Heritage Conservation Act* is how we protect important cultural and archeological sites in B.C., but the current system doesn't work well for people, and it doesn't fully reflect our shared values or commitments," said Ravi Parmar, Minister of Forests. "As we embark on this important engagement, I am committed to ensuring our collective work will lead to a system that will support faster permitting, better planning and more meaningful discussions with people, communities, industry and First Nations."

The project is a multi-year collaborative effort, mandated in 2021 and co-developed through the Joint Working Group on First Nations Heritage Conservation, a committee established by the Province and the First Nations Leadership Council (FNLC) in 2007, which includes members appointed by the FNLC and the Province. It has involved two phases of engagement to date with First Nations across B.C. and more than 300 organizations representing local governments, the heritage and archeology sector, real estate and construction, resource industries and other interested parties. Read the [government news release](#).

Start With the End in Mind: Recovering Your Clean-Up Costs

In BC, any 'person' can undertake the investigation and remediation of a contaminated site. Often that person is not the 'person responsible' for the contamination, but has an interest in the property. Remediation can be an expensive and lengthy process, but in the case of developing a site, for example, it is unavoidable. In short, if it's not clean, you can't build. And, you certainly can't move people into a building that may be unsafe. This can leave an innocent current owner with no choice but to spend the money to remediate its property. But what then?

The [Environmental Management Act](#) specifically accounts for this scenario by providing a statutory cause of action for any person to use to recover their costs against any responsible person, but to recover your costs they must have been 'reasonably incurred'. This reasonableness requirement should be kept in mind when beginning an investigation and remediation, so at the end of the day you can bring a solid case against any 'responsible persons'. Reasonableness, however, is not necessarily for you to decide. Read the [full article](#) by Richard E. Bereti and Adam R. Way with Harper Grey LLP.

The BC Cumulative Effects Framework: Forest Biodiversity and Old Growth Forests

In the spring 2025 edition of *BC Forest Professional* magazine, an overview of the BC Cumulative Effects Framework (CEF) was provided that explained how cumulative effects are being assessed and managed across British Columbia. Forest professionals in BC are increasingly expected to integrate cumulative effects considerations into their work, ensuring that decisions are made to effectively manage identified values within their scope of practice. Key guidance and direction from the provincial government, such as [forest stewardship plan guidance](#) and amendments to the [Forest and Range Practices Act](#), as well as legal direction such as the [Yahey decision](#), all highlight the importance and responsibility to consider cumulative effects in overall resource stewardship. This article explores the CEF forest biodiversity and old growth forest values and where forest professionals can access the latest available CEF information to consider cumulative effects in their forest management decisions. Read the [full article](#) by Doug Lewis, Traci Van Spengen, Darcie Fodor and Melissa Lucchetta in the *BC Forest Professional* Summer 2025 issue.

Federal Court Confirms Amendment Process for Projects Assessed Under CEAA 2012

Large-scale projects requiring environmental or impact assessments in Canada are not static: as projects commence and develop, their needs can shift, or plans change. A key question for project proponents is how those changes will impact existing environmental permits, and what the amendment process will look like. A recent Federal Court decision has provided important clarity, confirming that project amendments are to be assessed against the same standards applied in the original assessment.

In *Citizens for My Sea to Sky v. Canada (Environment and Climate Change)*, [2025 FC 1119](#), the Federal Court confirmed that where a project originally received its Federal Decision Statement (FDS) under the now-repealed *Canadian Environmental Assessment Act*, 2012, S.C. 2012, c. 19 (CEAA 2012), amendments to that project can be assessed against the narrower definition of "environmental effects" set out in s. 5 of CEAA 2012. Amendments do not need to be assessed in relation to the broader "effects within federal jurisdiction," defined in the current *Impact Assessment Act*, S.C. 2019, c. 28 (IAA). Read the [full article](#) by Rick Williams and Alysha Flipse with Borden Ladner Gervais LLP.

BC Forest Practices Board Releases 2024-25 Annual Report

The Forest Practices Board has released its [2024-25 annual report](#), highlighting nearly three decades of independent oversight and a continued commitment to sound forest and range practices throughout British Columbia.

This year's report reflects a sector in transition with growing pressures from climate change, wildfires and the need to modernize land management – all requiring strong oversight and innovative responses.

Key highlights from the 2024-25 annual report:

- Audits: The board completed five audits, identifying 11 significant non-compliances related to fire hazards, bridge maintenance and silviculture practices.
- Investigations: The board published five complaint-investigation reports, and received nine new complaints, many tied to forest planning in sensitive areas.
- Special projects: The board had three special projects underway at the end of the fiscal year, focusing on wildfire rehabilitation, species-at-risk habitat and adaptive management under landscape planning.
- Appeals: The board reviewed 21 determinations under the [Forest and Range Practices Act](#) and the [Wildfire Act](#), and continued its participation in two appeals

Read the full [news release](#) from the Forest Practices Board.

Canadian Product Stewardship and EPR: 2025 Summer Update

In the first half of 2025, we have seen the continuation of innovative product stewardship and extended producer responsibility ("EPR") programs across the country. These initiatives aim to divert waste from landfills and cover a broad range of product categories, including tires, batteries, electronic products, packaging and printed paper, beverage containers, and hazardous and special products.

This article is the latest update in Gowling WLG's ongoing bi-annual series providing an overview of current developments in Canadian product stewardship and EPR programs.

This review includes new and expanded programs and shifts from product stewardship to EPR models. Emerging initiatives, as well as program delays and changes, are also discussed, with a view to what companies can expect moving forward. Read the [full article](#) by Mark Youden, Emma Hobbs, Jessica E.M. Boily, Wynona Klemt and Sasha Mines with Gowling WLG.

New Wildlife Management Area Protects More of Great Bear Sea

The Province, in collaboration with partner First Nations, has protected 1,450 hectares of critical ecosystems in the Great Bear Sea.

"The Great Bear Sea is home to some of the richest ecosystems in the world, and together with First Nations, we're conserving these important areas that support biodiversity, community well-being and economic prosperity for coastal communities," said Randene Neill, Minister of Water, Land and Resource Stewardship. "In doing so, we continue our partnership with nature. I thank the Gitga'at First Nation and Gitxaala Nation for their efforts in making co-governance possible."

This newest [wildlife management area](#) (WMA) covers the north coast's Kishkosh and Kitkiata inlets, southeast of Prince Rupert. Read the [government news release](#).

Introducing BC's *Silvicultural Systems Handbook* (2nd Edition):

A Provincial Guide for Silvicultural Planning to Meet Diverse Forest, Stand, and Landscape Goals

Forest management and silvicultural practices in British Columbia are evolving quickly, driven by changing climates and climatic extremes; natural disturbances; cumulative effects of past forest management practices; a need to improve forest diversity and resilience; and a desire for landscape-level forest ecosystem management to sustain ecosystems, economies, and cultures. Recent government policy initiatives that address these issues include the Old Growth Strategic Review recommendations; the [Declaration on the Rights of Indigenous Peoples Act](#), which acknowledges the rights, roles, and goals of First Nations; and the recent [Forest and Range Practices Act](#) (FRPA) improvement initiative to support the development of forest landscape plans.

In spring 2025, the Ministry of Forests released the British Columbia [Silvicultural Systems Handbook](#) (2nd edition) as Land Management Handbook 79 (LMH 79/the handbook). It is a forestry practice guide for the design and application of silvicultural systems in BC to meet diverse forest stand and landscape goals informed by First Nations values and those emerging from local

forest landscape planning processes. In this way, LMH 79 can support and enhance professional silvicultural planning at both the stand and landscape levels. [You can find references to this handbook and other related resources on Quickscribe's EnviroFor [Guidance page](#).] Read the [full article](#) by Shannon Pearce, Mike Jull and Ken Zielke published in *BC Forest Professional* magazine, Summer 2025.

Wildlife Habitat Areas

Notice is hereby given that Medzih (boreal caribou) Wildlife Habitat Areas, Medzih WHA 9-181, 9-182, 9-183, 9-184, 9-185 and 9-186 in the Fort Nelson Natural Resource District, is established for Boreal Caribou in the North Area Region. The Orders were signed on June 17, 2025 under the authority of sections 9(1), 9(2) and 10(1) of the [Government Actions Regulation](#) (B.C. Reg. 582/2004) for the [Forest and Range Practices Act](#). Details of the Orders may be obtained from the Caribou Recovery Program, North Area Region, Ministry of Water, Land and Resource Stewardship, Terrestrial Species Recovery, PO Box 9546 STN Prov Govt Victoria, B.C. V8W 9C5.

The Government Action Regulation Order, accompanying map, and spatial files may also be obtained from [https://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved\[jy10\]](https://www.env.gov.bc.ca/cgi-bin/apps/faw/wharesult.cgi?search=show_approved[jy10])

Public Consultation Notice: Intact Forest Landscapes in Canada

Consultation Period: August 1 – September 30, 2025

The Forest Stewardship Council (FSC) Canada is pleased to announce the launch of a public consultation on draft Indicators related to Intact Forest Landscapes (IFLs). These indicators form part of our ongoing work to strengthen forest stewardship and protect ecologically and culturally significant forest areas across Canada. Read the [notice](#) from the Forest Stewardship Council.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Kalia Resources Corp. and Joseph Kitzke v. Director, Environmental Management Act](#) [Final Decision – Appeal Allowed In Part]
- [Canadian Natural Resources Limited v. Director, Environmental Management Act](#) [Consent Order – Stayed]
- [GT Farms Ltd. v. Director, Environmental Management Act](#) [Preliminary Decision on Application for Document Production – Denied]

[Water Sustainability Act](#)

- [Just Fish-Inn Inc. and Kris Tasci v. Assistant Water Manager](#) [Dismissal Order – Appeal Dismissed]

[Wildlife Act](#)

- [Joseph Gibson v. Deputy Regional Manager, Recreational Fisheries and Wildlife Programs](#) [Final Decision – Appeal Dismissed]

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

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Penalties Regulation (Environmental Management Act) (133/2014)	July 15/25	by Reg 7/2019
Agricultural Land Commission Act	July 1/25	by 2025 Bill 14, c. 12, section 24 only (in force by Reg 92/2025), Renewable Energy Projects (Streamlined Permitting) Act
Code of Practice for Agricultural Environment Management (8/2019)	July 15/25	by Reg 8/2019
Hunting Regulation (190/84)	July 29/25	by Reg 140/2025
Limited Entry Hunting Regulation (134/93)	July 29/25	by Reg 140/2025
Wildlife Act General Regulation (340/82)	July 29/25	by Reg 140/2025
Wildlife Management Areas Regulation (12/2015)	July 15/25	by Reg 124/2025



HEALTH

Health News:

Health Professions and Occupations Act – In Force April 1, 2026

The bulk of the *Health Professions and Occupations Act* (HPOA), [2022 Bill 36, c. 43](#), will be coming into force on April 1, 2026, as set out in [Order in Council 373/2025](#). The HPOA will replace the existing *Health Professions Act*, and aims to modernize the regulatory framework for health professionals and occupations in BC and improve patient safety. Among other changes, the new legislation will create a new oversight body that will be responsible for preparing performance standards for regulators and guidelines with respect to regulatory best practices. The new Office of the Superintendent of Health Profession and Occupational Oversight will house a new independent discipline tribunal which will enable investigatory and disciplinary processes conducted with respect to licensees to be separated, ensuring the determination of discipline matters is independent of regulatory colleges and licensees and focused on protecting the public. The HPOA also creates a new complaints process and provides more flexible models of regulation for the practice of health occupations that present a lower risk of harm to the public. The new [Health Professions and Occupations Regulation](#) and the [Health Professions and Occupations Transitional Regulation \(No. 2\)](#), which align with the HPOA, will come into force at the same time. Quickscribe has published [an early consolidated version](#) of this Act for your convenience.

BC Court of Appeal Denies Sealing Order Sought by Health Professions Regulator

The British Columbia Court of Appeal has ruled that the College of Physicians and Surgeons of British Columbia failed to show that court openness would seriously risk achieving an important public interest in a civil case concerning opiate dosage. In *College of Physicians and Surgeons of British Columbia v. Madryga*, [2025 BCCA 250](#), a patient filed a civil claim against the health professions regulator in February 2023. He alleged that he had been prescribed a high dosage of opioids to manage chronic, debilitating pain after a 1997 motor vehicle accident. Read the [full article](#) by Bernise Carolino with *Canadian Lawyer*.

Canada's Drug Agency Launches Public Consultation on Proposed List of Essential Prescription Drugs and Related Products

On June 19, 2025, Canada's Drug Agency ("CDA") opened [a public consultation](#) to gather input on a proposed list of essential prescription drugs and related products. This initiative is part of the agency's responsibilities under the [Pharmacare Act](#), SC 2024, c 24 which requires the development of a national formulary to support equitable access to key medications. The purpose of this consultation is to engage interested parties on the proposed list of essential prescription drugs and related products to inform the potential development of a national formulary.

Background

The Government of Canada directed CDA to establish an advisory panel to oversee the development of the essential drugs list. This panel, composed of 12 members with varied expertise, has conducted research and engaged with stakeholders to prepare a [discussion paper](#) which aims to outline the (i) methodology used for developing the proposed essential prescription drugs and related products list, including criteria for the inclusion and exclusion of products; (ii) proposed approach to updating the list over time; and (iii) products to be included on the proposed list to inform the potential development of a national formulary.

Read the [full article](#) by Sara Zborovski, Ian Trimble and Sandra Elashmouny with Stikeman Elliott LLP.

Drug User Advocacy Groups Challenge 'Recriminalization' in Court

The federal government was in court this week listening to arguments that it made a mistake when it allowed British Columbia to roll back its decriminalization pilot project. Counsel for a coalition of 13 drug user advocacy groups argued in an application for a judicial review that Health Canada didn't properly consider all the evidence before it when it broadly [recriminalized public drug use in 2024](#). Canadian drug laws are set out in the federal [Controlled Drugs and Substances Act](#). To provincially change drug laws for decriminalization, BC had to ask Health Canada for an exemption under the act. It later asked Health Canada to amend that exemption to recriminalize public drug use. Read the [BIV article](#).

Input Sought on Health Authority Review

Earlier this year, the provincial government launched a [health authority review](#) with the goal of ensuring that resource allocations are supporting critical patient services, and that resources support front-line patient care. UBCM is gathering input from members for the review. Local governments work closely with health authorities on issues such as pre-hospital care, regional hospital districts, and the recruitment and retention of health care professionals. Read the UBCM [article](#).

Province Moves to Protect Supply of Two More Diabetes Drugs

The Province is limiting sales of the drugs tirzepatide and dulaglutide, commonly known by the brand names Mounjaro and Trulicity, to preserve the supply for people with diabetes who really need it. In April 2023, the provincial government added a "limits on sale" regulation to the [Pharmacy Operations and Drug Scheduling Act](#) to prevent sales of semaglutide (Ozempic, Wegovy, Rybelsus) to non-Canadian residents, to limit the impact of a supply shortage. Read the government [news release](#).

Act or Regulation Affected	Effective Date	Amendment Information
Drug Schedules (Limits on Sale) Regulation (103/2023)	July 17/25	by Reg 138/2025
Drug Schedules Regulation (9/98)	July 3/25	by Reg 100/2025 and Reg 101/2025
	July 17/25	by Reg 137/2025



LABOUR & EMPLOYMENT

Labour and Employment News:

Appellate Court Confirms Out-of-Province Effect of BC Replacement Worker Ban

Can the British Columbia (BC) Labour Relations Board (the Board) order a BC employer to cease work that is taking place outside of the province during a labour dispute? According to the BC Court of Appeal, in some circumstances it can.

In *Gate Gourmet Canada Inc. v. Unite Here, Local 40*, [2025 BCCA 246](#), the BC Court of Appeal confirmed the Board can order an employer to cease work outside of the province if that work is being carried on in breach of a statutory prohibition on use of replacement workers during a labour dispute.

British Columbia's prohibition on replacement workers

BC's [Labour Relations Code](#) (the Code) prohibits employer use of replacement workers during a lawful strike or lockout. With narrow exceptions, an employer cannot engage temporary workers or its own employees to do the work of a striking or locked out bargaining unit. This prohibition extends to transferring work ordinarily performed by the bargaining unit to another location operated by the employer. Using replacement workers in contravention of the Code is classified as an unfair labour practice (a ULP) under the Code.

Read the [full article](#) by Herb Isherwood and Curtis Armstrong with Norton Rose Fulbright LLP.

Tribunal Decision on Intimate Images at Work Raises Tough Questions for HR

A recent decision from the British Columbia Civil Resolution Tribunal (CRT) has put a spotlight on the intersection of employee privacy, workplace conduct, and the obligations of employers when faced with sensitive accusations. In *MR v. SS*, [2025 BCCRT 851](#), the tribunal dismissed a claim for damages after intimate images taken at work were shared with an employer by a former romantic partner.

The ruling, while limited in precedential value, prompts important questions for HR professionals about how to handle similar situations and where the line is drawn between privacy and the public interest. Read the [full article](#) by Stacy Thomas in the *Canadian Lawyer* magazine.

The Supreme Court of British Columbia Affirms Dependent Contractor Status in *Ursic v. Country Lumber Ltd.*

In *Ursic v. Country Lumber Ltd.*, the Supreme Court of British Columbia affirmed that employment relationships exist on a continuum between pure employee and pure independent contractor. Whether or not a contractor is really an employee is an issue that comes up frequently for employers to wrestle with and can have far-reaching effects (see Dentons insight, "[Is your contractor really an employee?](#)"). Somewhere in between contractor and employee, however, is a category known as "dependent contractors," which includes individuals who are economically dependent on a single entity, but whose engagement includes a combination of traits commonly applicable to both employees and independent contractors. The classification of an individual as an employee, independent contractor or dependent contractor is important because, unlike independent contractors, employees and dependent contractors are entitled to prior notice, or pay in lieu of notice, in the event of the termination of their engagement. Read the [full article](#) by Victoria Merritt, Salim Visram, Catherine Coulter and Maggie Sullivan with Dentons.

\$200,000: Tribunal Orders Employer to Pay Worker for Disability Discrimination

"Accommodation is a two-way street – the employee has an obligation to make their disability known to an employer, but once that's done explicitly, then the onus switches over to the employer to make reasonable inquiries and engage in the accommodation process."

So says Glen Stratton, an employment lawyer at Ascent Employment Law in Vancouver, after the British Columbia Human Rights Tribunal ordered an employer to pay a worker more than \$200,000 for disability discrimination that forced the worker to resign over health concerns during the onset of the COVID-19 pandemic. Read the [full article](#) by Jeffrey R. Smith in the *Canadian HRReporter*.

Act or Regulation Affected	Effective Date	Amendment Information
Employment and Assistance Regulation (263/2002)	July 1/25	by Reg 86/2025
Employment and Assistance for Persons With Disabilities Regulation (265/2002)	July 1/25	by Reg 86/2025
Health Care Employers Regulation (427/94)	July 10/25	by Reg 105/2025
International Credentials Recognition Regulation (129/2024)	July 1/25	by Reg 129/2024, section 9
Social Services Employers Regulation (84/2003)	July 10/25	by Reg 105/2025



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

New Rules for Electric Vehicles Accessing HOV Lanes

The provincial government is changing the rules for electric vehicles wishing to access high-occupancy vehicle (HOV) lanes. These changes affect municipal roads with HOV lanes and could trigger the need for municipalities to update road signage.

Starting August 15, 2025, drivers of electric vehicles will no longer be required to display a decal to drive in high-occupancy vehicle (HOV) lanes when carrying less than the required number of passengers. Instead, electric vehicles can be driven in HOV lanes where signage allows it. Read the UBCM [article](#).

BC Court of Appeal Allows Lawyer's Appeals in Two Motor Vehicle Accident Cases

The British Columbia Court of Appeal has set aside a trial court's order upon finding that the judge failed to project a lawyer's likely earnings while considering her injuries after two motor vehicle accidents and other relevant contingencies.

In *Aujla v. Boldt*, [2025 BCCA 228](#), the first accident occurred in June 2015 on Ladner Trunk Road in Surrey while the appellant was a front-seat passenger in her father's car. She said she immediately experienced pain in her jaw, back, pelvis, and neck. Read the [full article](#) by Bernise Carolino in the *Canadian Lawyer*.

Floating Bus Stops and Human Rights Complaints

Floating bus stops, also known as island bus stops, are becoming more common as local governments increase cycling infrastructure. These bus stops feature a bike lane between the sidewalk and the bus stop, offering cyclists safety by separating them from vehicle traffic and ensuring buses do not obstruct the bike lane. However, these designs can create challenges for people with sight loss, as the quietness of bicycles and the surrounding road noise make it difficult to safely navigate to the bus stop.

BC has developed the [Design Guide for Bus Stops Adjacent to Cycling Infrastructure](#) to provide planning guidelines to construct floating bus stops. The 2019 iteration of this guide did not specifically consider people with sight loss, whereas the 2024 iteration of this guide specifically contemplates accommodating people with sight loss in response to the Belusic case discussed below. Read the [full article](#) by Emma McCann in the Young Anderson Newsletter Volume 36, Number 2.

Transport Canada: Summertime Safety: Camping and Travelling with BBQ Propane Tanks

Summer is the perfect time for road trips, camping, and barbequing. Whether you're heading to a campground or enjoying a weekend BBQ with friends, it's common to pack extra fuel, like propane tanks for your grill. But before you load up your vehicle, it's important to know the rules around how much fuel you can legally and safely transport in your car or truck. Here's what you need to know to keep your trip safe and compliant. Read the article from [Transport Canada](#).

Tribunal Orders ICBC to Increase Compensation to B.C. Motorcyclist Injured in Crash

ICBC has been ordered by the civil resolution tribunal to increase its award for permanent injury compensation to a B.C. motorcyclist injured in a crash.

Ian Hugh Clements suffered multiple injuries after hitting a concrete barrier at a low speed and was granted \$62,044.22 under guidelines ICBC uses with its no-fault insurance model to compensate for permanent impairment, it said.

His initial claim was for about that amount – for two colon surgeries, partial spleen removal, low hemoglobin, right and left shoulder injuries, a broken shin bone and partial blindness in his left eye. Read the *Vancouver Sun* [article](#).

Transport Canada: Lithium Batteries Part 2: What You Didn't Know About Travelling with Them

In Part 1, Transport Canada shared tips on how to handle lithium batteries safely in everyday situations. But what about when you fly? As Canadians travel more with battery-powered gadgets, it's crucial to know the air travel rules that keep everyone safe. Now in Part 2, we are focusing on lesser-known risks, air transport tips, and what international experts say about safely flying with lithium batteries. Read the Transport Canada [notice](#).

Preparing for Takeoff: The Amended Air Passenger Protection Regulations

Canada's [Air Passenger Protection Regulations](#) (the "Regulations") came into force in December 2019 and were created to provide a comprehensive air passenger protection regime relating to, amongst other things, flight cancellations, compensation, and clear communications. According to Transport Canada, the objective of the Regulations was "to create a more predictable and balanced approach to ensure that passengers know their rights; air carriers understand their obligations; operators do not face an undue burden or lose competitiveness that could negatively affect ticket prices for consumers; and proper complaint resolution and enforcement mechanisms are provided". Read the [full article](#) by Shree Majithia, Erika Swinton and Michael Parrish with Fasken.

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [Notice 04-2025](#) – 2025 Vehicle Inspection Manual (VIM) – Effective September 2, 2025

- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers

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:

News and Updates

- **TNS geo-fencing around Vancouver Cruise Ship Terminal**

Following consultation with the City of Vancouver and the Vancouver Fraser Port Authority, and in consideration of submissions from industry, the Passenger Transportation Board (Board) decided on July 8, to remove the transportation network services (TNS) geo-fencing term and condition around the Vancouver Cruise Ship Terminal. Read the [full update](#).

Applications Received

- [22005-24 TNS](#) – Halo Ride Hailing Ltd.
- [22442-25](#) – JGRS Staffing Ltd. (7 Horses Transport Solutions)
- [22492-25](#) – Whistler Resort Cabs Ltd.
- [22661-25](#) – Spoonbill Partners Inc. (Whistler Black Transportation)
- [22816-25](#) – Cobble Hill Taxi 2016 Ltd.
- [23060-25-25](#) – 7th Heaven International Ltd. (Mountain Shuttle and Cab)
- [22804-25](#) – Bluebird Cabs
- [23226-25 TNS](#) – Super Arrow Logistics Inc. (Riden)

Application Decisions

- [23746-25 PS TOP](#) – Fabulous Limousine Service Inc. [Approved]
- [23745-25 PS TOP](#) – Island Chauffeur Inc. [Approved]
- [19967-24 TNS](#) – Kabby Rides Inc. [Refused]
- [21060-24, 21061-24, 21062-24, 21063-24, 21064-24, 21066-24, 21067-24, 21068-24, 21070-24, 21071-24, 21072-24, 21073-24, 21074-24](#) – Bluebird Cabs Ltd. transfer of licence [Approved]
- [21888-24](#) – Taylor Dean Dzaman (Royal Limousine) [Refused]
- [21591-24](#) – Mojo Luxury Logistics Inc. (Vancouver Car Rental.ca) [Approved in Part]
- [23856-25](#) – Red Carpet Transportation Inc. [Approved]
- [22160-24](#) – Surrey Charter Bus Grove [Approved in Part]
- [21945-24](#) – Ark Cab Company Ltd. [Refused]
- [22427-25](#) – Divine Limousine Incorporated [Approved]
- [23521-25](#) – Safe and Sound Taxi Service [Approved in Part]
- [22421-25](#) – Primitivo Jr. Tanquilut (JT's Classic Ride) [Refused]

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

Act or Regulation Affected	Effective Date	Amendment Information
Motor Vehicle Fees Regulation (334/91)	July 14/25	by Reg 120/2025



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Consultation on Proposed Amendments to Part 12 of the Occupational Health and Safety Regulation

from [WorkSafeBC](#):

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to Part 12, Tools, Machinery and Equipment, sections 12.74 to 12.80.2 – Automotive Lifts and Other Vehicle Supports, of the Occupational Health and Safety Regulation. The consultation phase gives stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process. Proposed regulatory amendments under review:

- [Part 12, Tools, Machinery and Equipment, sections 12.74 to 12.80.2 – Automotive Lifts and Other Vehicle Supports](#)

Consultation on Proposed Amendments to Parts 4, 13, 14, 20, 28, and 31 of the Occupational Health and Safety Regulation

from [WorkSafeBC](#):

Our Policy, Regulation and Research Department is requesting feedback on proposed amendments to multiple sections of Parts 4, 13, 14, 20, 28, and 31 of the [Occupational Health and Safety Regulation](#), relating to periodic certification of equipment as safe for use. The consultation phase gives stakeholders an opportunity to provide feedback before the proposed amendments are taken to public hearing. All stakeholder feedback is carefully considered and analyzed, and provided to WorkSafeBC's Board of Directors as part of their decision-making process. Proposed regulatory amendments under review:

- [Parts 4, 13, 14, 20, 28, and 31, multiple sections, relating to periodic certification of equipment as safe for use](#)

Worker Injured in Fall from Loft

Date of incident: January 2022

Notice of incident number: 2022175280001

Employers: Concrete forming company; general construction contractor (prime contractor)

Incident Summary

At a residential house construction site, a worker was dismantling a temporary wood frame scaffold while standing on the floor of the loft, below the scaffold. When he removed the centre support of the scaffold, the I-joists that had been supported by the centre support fell. The worker was struck by a falling I-joist and knocked toward the edge of the loft, where he fell through an opening near the top of the stairs and landed on the main floor about 3.3 m (11 ft.) below. He sustained a serious injury.

Read the full WorkSafeBC report and investigation conclusion [here](#).

September 2025 Public Hearing on Proposed Regulatory Amendments

from [WorkSafeBC](#):

WorkSafeBC is holding a virtual public hearing on proposed amendments to the [Occupational Health and Safety Regulation](#). The virtual public hearing will be streamed live on **September 24, 2025**, in two sessions. The first will take place from **11 a.m. to 1 p.m.** and the second from **3 to 5 p.m.** Further information on how to view or participate in the virtual public hearing will be provided closer to the hearing date. These details will be posted on [worksafebc.com](#) and communicated by enews. You can access the proposed amendments, along with explanatory notes, using the links below:

- [Part 6, Substance Specific Requirements – Combustible Dusts](#)
- [Parts 8 and 31, Standards Updates](#)

Public hearings provide stakeholders an opportunity to comment on proposed regulatory amendments. We welcome your feedback on these amendments either by written submission or by participation in the virtual public hearing. Written submissions will be accepted until **4:30 p.m. on Friday, September 26, 2025**.

Supervisors in the Crosshairs

Canada's new era of criminal accountability in workplace safety

Canada's legal landscape around occupational health and safety (OHS) is shifting dramatically. Legal experts and safety professionals alike are observing a rising trend: frontline supervisors and small business owners increasingly face criminal charges following serious workplace incidents. At the Canadian Safety Summit held in Brampton, Ontario last month, three prominent legal minds delivered a stark message: the era of rare criminal enforcement is over. Read the [full article](#) published by *Canadian Occupational Safety*.

Worker Downplays Breach of Safety Policy, Gets Fired

A British Columbia employer had just cause to fire a worker who violated a safety policy and tried to minimize the risk involved, according to an arbitrator. West Fraser Mills (WFM) is a lumber company that operates a lumber mill in 100 Mile House, BC. It hired the worker in 2005, and he eventually took on the position of oiler at the mill. WFM had a lock-out procedure program and policy that were mandatory for employees performing work on energized equipment, including conveyor belts. Read the [full article](#) by Jeffrey R. Smith with *Canadian HRReporter*.

OHS Policies/Guidelines – Updates

Guidelines – Occupational Health and Safety Regulation

July 10, 2025

The following guideline was issued on July 1, 2025:

- Part 6 – Hazardous Drugs
 - [G6.50\(3\) Mixing, preparing, and priming of specific hazardous drugs](#)

Editorial revisions were made to the following guidelines:

- Part 3 – Occupational First Aid
 - [G3.15-1 Nurses acting as first aid attendants in health care settings](#)
 - [G3.15-2 Registered nurses working for health authorities](#)
 - [G3.15-3 EMA licence holders working as first aid attendants](#)
 - [G3.15\(c\) Proof of certification](#)
- Part 6 – Asbestos
 - [G6.1-1 Definition of qualified person](#)
 - [G6.2.2\(2\) Details of the asbestos certificates](#)
- Part 8 – Buoyancy Equipment
 - [G8.27-2 Alternative acceptable standard for buoyancy equipment](#)

- Part 9 – Hazard Assessment
 - [G9.11 Confined spaces – Qualified persons](#)
- Part 20 – Demolition
 - [G20.112 Hazardous materials – Asbestos](#)

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

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



PROPERTY, REAL ESTATE & CONSTRUCTION

Property, Real Estate & Construction News:

Mortgage Services Act Coming into Force October 13, 2026

[B.C. Reg. 108/2025](#) sets October 13, 2026 as the date that the new *Mortgage Services Act* ([2022 Bill 29](#)) comes into force. The *Mortgage Services Act* will replace the *Mortgage Brokers Act* and is intended to modernize regulation of mortgage brokers, lenders and administrators. The Act incorporates recommendations from the Commission of Inquiry into Money Laundering in B.C. (the Cullen Commission), such as giving the BC Financial Services Authority (BCFSA) the ability to develop rules for licensing and licensee conduct and increasing financial penalties to align with the *Real Estate Services Act*. The new legislation also amends appeal procedures and establishes licensing levels and definitions for mortgage services to distinguish between the regulation of mortgage lenders, mortgage brokers and principal brokers. The new Act does not regulate mortgage business activities that are subject to federal or provincial regulation, such as banks and credit unions and their employees. This new legislation is in part a response to the *Mortgage Brokers Act* review, which included a public consultation in 2020. More information on that consultation, including the [public consultation paper](#), can be found [here](#).

Onward and Upward: More Support from BCSC in Dealing with Restrictive Covenants Preventing High-Density Development

In a [recent article](#), Jacob Gehlen wrote about the decision in *Smith v Clearwater*, where the BC Supreme Court exercised its discretion under [section 35 of the Property Law Act](#) (the "PLA") to cancel a restrictive covenant prohibiting multi-family development. Recent court decisions have addressed several similar matters, including *DBKS Homes Ltd. v Taylor*, [2025 BCSC 1202](#), where the Court used that same statutory discretion to alter a building scheme by removing a restriction on the density of a dwelling house. Both decisions seemingly broaden the court's discretion under section 35 of the PLA, providing avenues to modify long-standing property restrictions for purposes such as facilitating denser development. Read the [full article](#) by Matt McCarthy with SMS Law.

No-Show Landlord: Legal Consequences of a Landlord's Failure to Occupy After Eviction

Ms. Jane Li was the owner of a property in Kelowna, BC. Starting in August 2020, Ms. Li entered into a residential tenancy agreement with Tina and Scott MacLean (the "MacLeans"). Ms. Li ended the tenancy, on the basis that she planned to reoccupy the unit, which the MacLeans disputed. The Residential Tenancy Branch arbitrator granted a monetary order against Ms. Li. Ms. Li sought to set aside the decision of the arbitrator of the Residential Tenancy Branch, or alternatively to have the decision remitted back to the Residential Tenancy Branch for reconsideration. The *Residential Tenancy Act*, S.B.C. 2002, c. 78 (the "Act") provides at section 49(3) that a landlord who is an individual may end a tenancy for a rental unit if the landlord or a close family member of the landlord intends in good faith to occupy the rental unit. However, the landlord must establish that the rental unit was being used for that purpose for at least six months. If the landlord is unable to establish that the rental unit was occupied as such, the landlord must pay the tenant an amount equivalent to twelve times the monthly rent. Section 51(3) provides an exception if the arbitrator finds that the landlord or close family member was unable to move into the unit due to extenuating circumstances. Read the [full article](#) by Claire Shanna with Harper Grey.

Shimco Lien Reaffirmed: B.C. Court of Appeal Clarifies Dual-Lien Structure under the Builders Lien Act

In *Kingdom Langley Project Ltd. Partnership v. WQC Mechanical Ltd.* (Kingdom Langley), the British Columbia Court of Appeal reaffirmed the validity of what are commonly referred to as "Shimco liens." Shimco liens are liens against the statutory holdback that must be maintained by owners, contractors and subcontractors under the *Builders Lien Act* (Act). Shimco liens were recognized by the B.C. Court of Appeal in its much-debated 2003 ruling in *Shimco Metal Erectors Ltd. v. North Vancouver (District) (Shimco)*. *Shimco* confirmed that the Act establishes a distinct lien against the holdback, separate and apart from a lien against land and improvements. Before a five-member division of the B.C. Court of Appeal, the Court in *Kingdom Langley* was invited to overturn *Shimco*. However, while admitting that *Shimco* has created certain practical difficulties for owners and contractors, the Court reaffirmed the dual-lien structure and confirmed that posting security under section 24 of the Act does not cancel or extinguish a lien against the holdback read the [full article](#) by [Andrew Kavanagh](#), [Alison Burns](#) and Soheila Ebrahimi-Louyeh (Articling Student) with Blake, Cassels & Graydon LLP.

Real Estate Purchaser Protections Upheld: B.C. Court of Appeal Confirms that a Purchaser's lien Survives Despite an Alternative Claim for Rescission

A certificate of pending litigation (CPL) is a powerful tool in the litigator's arsenal. It is often used in claims for specific performance and constructive trusts (both remedial and substantive) as a means to freeze title and prevent the owner from dealing with the property, as they otherwise might have. CPLs are available when the plaintiff claims an interest in land, and they are generally not

available when the claim is for monetary relief. The recent case of *1332404 B.C. Ltd. v. 1266685 B.C. Ltd.*, [2025 BCCA 46](#), highlights a nuance in this rule. In this case, the Court of Appeal for British Columbia held that a claim for purchaser's lien (security for a real estate deposit) can be the basis for a CPL, even when pleaded in the alternative to a claim for rescission or the return of a deposit. Read the [full article](#) by Matthew G. Swanson, Jake Cabott, Sarah Péloquin and Alysha Flipse with Borden Ladner Gervais LLP.

Lawyers Question Vancouver's Short-term Rental Rules

The owner of a downtown apartment has lost his fight to renew his short-term rental licence for 2025 after a panel comprised of three city councillors said they didn't believe he was using the unit as his principal residence. It was the second case this month where an owner questioned the City of Vancouver's definition of principal residence, with lawyers in both appeals pointing out there is no set number of days in a calendar year that a person can rent an apartment via an online short-term rental platform. In the most recent case involving Michael Enriquez, city staff's evidence showed that his apartment at 1068 Hornby St. was rented 277 days in 2024. That represented a 76 per cent booking rate via booking.com. In [the other case](#), which went before the panel July 15, city staff said Deeno Mazhari rented his apartment at 1050 Burrard St. 439 out of 489 days between July 2023 and October 2024 via Airbnb. That represented a 90 per cent booking rate. Read the [BIV article](#).

Updates to the 2025 CCDC Construction Management Contracts: What You Need to Know

The Canadian Construction Documents Committee (CCDC) has released significant updates to several of its suite of construction contracts in June 2025. This includes a new version of the standard form construction management contracts: the CCDC 5A "Construction Management Contract – For Services," the CCDC 17 "Stipulated Price Contract Between Owner and Trade Contractor for Construction Management Projects," and the frequently used CCDC 5B "Construction Management Contract for Services and Construction." These revisions are designed to reflect evolving industry practices, recent legislative developments, and to harmonize with the changes previously introduced in the CCDC 2-2020 "Stipulated Price Contract." Most notably, the contracts are updated to address prompt payment and adjudication regimes introduced in Ontario, Alberta, and other provinces. This article briefly highlights some of the key changes but does not purport to cover all revisions made to the standard form contracts. The changes described below apply broadly to the CCDC 5A, CCDC 17, and CCDC 5B, unless specified otherwise. Terms defined in the CCDC 5A, CCDC 17, and CCDC 5B are used in this article. Read the [full article](#) by Karina Labelle and Edward (Ted) g. Betts with Gowling WLG.

Can We Change Council Eligibility?

Dear Tony:

Our strata corporation is 114-unit townhouse and because of historic harassment by a few owners and major road construction, no one is willing to stand on our strata council this year. We adjourned the AGM without a single candidate. Is it possible to amend the bylaws to allow for non-owners to be elected to strata council? We live in a self-managed bare land strata, retirement community, and owners and residents are simply not interested. – JPK

Dear JPK:

Under the [Strata Property Act](#) an owner, tenant assigned an owner's rights, or family tenant granted an owner's rights are eligible for strata council. Yes, a strata corporation may amend their bylaws to identify other classes of persons that may be elected to strata council. Buildings with age restrictions, a high ratio of rentals, or where there is a high level of conflict are struggling with the same issues

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

Competition Bureau Issues Guidance on Competitor Property Controls – Key Considerations for the Commercial Real Estate Sector

On June 4, 2025, the Competition Bureau released new guidance (the "Guidance") on competitor property controls under the [Competition Act](#) (the "Act"), marking a significant development in the Bureau's approach to commercial real estate practices. Competitor property controls—namely restrictive covenants, exclusivity clauses, and non-compete provisions—have long been a feature of commercial property sale and leasing arrangements in Canada. While these controls often serve legitimate business purposes, the Bureau observes that they may raise concerns under the abuse of dominance and anti-competitive collaboration provisions of the Act. The Guidance comes on the heels of significant amendments to these provisions, certain of which were motivated by the use of competitor property controls in the retail grocery sector. Read the [full article](#) by Kevin Wright, Wendy Sun and Samuel Bogetti with DLA Piper.

BC Fire Code Obligations

Dear Tony:

We received a notice from our fire service provider regarding the Fire Code. Are we to understand correctly that the volunteers on our strata council and owners are the ones who have to conduct routine testing and verify our fire safety system is operating correctly? To begin with, everyone is retired. We polled our owners and no one has any technical experience to determine if the system is operating correctly. Also no one is willing to assume the personal or corporate liability for an error or omission that may occur as a result of managing our system. Here is a direct quote from the handbook we received and the quote from the regulations. "Ensuring that fire protection systems are inspected, maintained, and serviced in accordance with the plan and the fire code, and where an inspection, maintenance, or testing procedure is beyond in-house capabilities, it is their (the property owner) responsibility to have qualified personnel complete the procedure." We also have the obligation to document: fire incidents, false alarms, fire drills, discharge or operation of fire equipment, training periods, and the name and location of persons requiring assistance (specifying assistance required). As well, we are required to document the minutes of fire safety meetings, which we have never conducted. This is overwhelming for our community and residents are concerned and stressed because they believe we are not complying with the law. Help! – Margery W. Victoria

Dear Margery:

I agree it is overwhelming. The regulations are intended to impose 100% of the obligation and liability on the property owners to ensure the fire safety systems are operational and tested; however, the regulation does provide a window to ease the responsibility. If the procedures are beyond the capabilities of the owners, it is their responsibility to have qualified personnel complete the procedures, therefore, you may contract out a number of services.

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

Act or Regulation Affected	Effective Date	Amendment Information
Real Estate Services Act	July 14/25	by 2022 Bill 29, c. 27, sections 96 to 103 only (in force by Reg 108/2025), Mortgage Services Act

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