Quickscribe Reporter Civic Laws

Vol: VIII – Issue 10 – October 2026

## QS News

**New Legal Q&As – Ask Guy**
Two new questions have been answered by local government lawyer Guy Patterson, addressing **rezoning applications involving strata common property and public hearing notice requirements under section 466 of the *Local Government Act***, including notification obligations for manufactured home parks.

Visit the Ask Guy page to read these and previous Q&As, submit your own planning or land use question, and follow Guy to receive alerts when new answers are published.

**Lexi Is Now Live! Discover a Smarter Way to Research Local Government Legislation**
We're excited to officially welcome **Lexi**, Quickscribe's new AI-powered research assistant – now available to subscribers at **no additional cost**!

Designed with local government professionals in mind, Lexi lets you ask practical questions in plain language and quickly identify the legislation and provisions relevant to your work.

Whether you're researching zoning and housing requirements, development approvals, municipal powers, public hearings, property taxes or other statutory obligations, Lexi helps you navigate complex legislation with greater ease and confidence.

**What makes Lexi different?** Unlike general-purpose AI tools, Lexi begins with Quickscribe's trusted, regularly updated legislative database. Answers include direct references to relevant legislative provisions, along with valuable supporting resources where available – including Supplemental Notes, Hansard, Expert Annotations and specialized materials such as provincial housing guidance. Importantly, these supporting materials remain clearly distinguished from the legislation itself.

**Built with privacy and organizational control in mind**, Lexi allows your organization to manage access and select AI processing and privacy preferences.

**And We're Just Getting Started!**
Our initial Early Launch focuses on **current** BC and select federal legislation. Over the coming months, we plan to expand Lexi's capabilities to include historical legislative research, Bills, upcoming legislative changes and enhanced access to external legal and government resources through optional Focused Canadian Legal Web Search.

Following months of careful development and testing, we're excited to put Lexi into your hands – and look forward to expanding its capabilities based on your feedback.

**Activate Lexi Now!**
Lexi is disabled by default until your organization chooses to enable it.

**Account administrators can activate Lexi today** through the Lexi Access & Settings configuration screen. Other users can contact their account administrator to request access.

**Discover Lexi and Learn More** | **Explore Sample Questions**

## New Annotations

New Annotations have been added to Quickscribe:

- OnPoint Legal Research Corporation – *Athletic Commissioner Act*, *Business Corporations Act*, *Canadian Charter of Rights and Freedoms*, *Fisheries Act*, *Insurance (Vehicle) Act*, *Land Title Act*, *Limitation Act*, *Opioid Damages and Health Care Costs Recovery Act*, *Personal Information Protection Act*, *Property Transfer Act*, *Protection of Public Participation Act*, *Securities Act*, *Societies Act*, *Utilities Commission Act*
- Michael Moll, Civic Legal LLP – *Community Charter*

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.

## Quickscribe Alerts

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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.

## Reporter Categories

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

## LOCAL GOVERNMENT

**Local Government News:**

**Can Local Governments Use Regulatory Powers to Advance Private Interests? Westcan Recyclers v Calgary Is Heading to the SCC**

In February 2026, the Supreme Court of Canada (SCC) granted leave to appeal from the decision of the Alberta Court of Appeal (ABCA) in *Westcan Recyclers Ltd v Calgary (City)*, 2025 ABCA 67. The SCC will likely hear argument on the appeal in 2027. The case involves important questions about whether a municipality may exercise its regulatory powers to advance its own private commercial interests. Specifically, can the City of Calgary close another private business's main accesses to a road to accommodate the City's own development needs in servicing a nearby City-owned industrial park? The dispute arose from Calgary's plan to expand 68th Street SE in southeast Calgary from a two-lane road into a four-lane divided arterial. The City's Real Estate and Development Services business unit ("REDS") became the developer of the Point Trotter Industrial Park after the original private developer entered proceedings under the *Companies' Creditors Arrangement Act*. As a condition of subdivision approval, the developer was required to construct the expanded 68th Street. Read the full article by Josh Krusell, Hamish Flanagan, and Robin Gordon with SMS Law.

**Municipalities Await Future of Housing Law after Change in BC Government**

Local councils returning to work in the wake of the municipal election are waiting to see what a new BC Conservative government does with provincial housing legislation that forced them to redo their bylaws and official community plans. During the campaign, the party promised to return authority to local governments to determine where housing density will go. The promise was a step back from its threat a couple of years ago to repeal Bill 44, which was enacted by the NDP government in 2023 to stimulate housing starts. The legislation required municipalities to amend their bylaws by mid 2024 to allow four to six units on single-family and duplex lots, effectively up-zoning most of the province. It also outlawed public hearings for development projects that conform to official community plans. The latter raised the ire of many residents, who felt they no longer had any say on what was being built around them. Read the *Times Colonist* article (paywall).

**Recent Changes in Freedom of Information and Privacy Law**

A number of interesting developments to freedom of information and privacy law in British Columbia have occurred in the last few months, many of which impact local governments. Some of these developments come from recent amendments to the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). Others come from policy and procedural updates from the Office of the Information and Privacy Commissioner for BC (the "OIPC"). Together, these changes provide subtle but potentially significant tools for local governments dealing with an influx of increasingly complex and voluminous FOI requests. On May 28, 2026, the Legislative Assembly of British Columbia passed Bill 9 – 2026 *Freedom of Information and Protection of Privacy Amendment Act, 2026* (the "Amendment Act"). The Amendment Act provides the most significant changes to FIPPA since the major amendment of the Act in 2021. While a number of these amendments relate to the Province, or to the OIPC's powers and procedures, there are three which are of particular note for local governments. Read the full article by James Barth, published in the Young Anderson Newsletter, Volume 37, Number 3 – UBCM Conference Issue.

**Input on Flood Management Guidelines**

The Province is currently updating the *BC Flood Hazard Area Land Use Management Guidelines*, which were last amended in 2018. These guidelines provide suggestions for local governments on floodplain mapping, flood risk assessments, resiliency planning, and development approvals. Local governments are encouraged to provide input during the public review period, which runs until January 31, 2027. Read the UBCM article.

**Disturbance Damages: O'Brien v. Grand Forks**

A common issue in expropriation matters is that of compensation: the types of losses or expenses that a property owner is entitled to when a local government uses the *Expropriation Act* (the "Act") to compel a transfer of ownership. The Act sets out the compensation that an owner must receive in this scenario, but questions can still arise, particularly with respect to so-called "disturbance

damages". The recent decision of *O'Brien v. Grand Forks (City)*, 2026 BCSC 900 provides helpful guidance in that regard. In this case, a one-in-200-year flood in 2018 significantly damaged the neighbourhood in which the plaintiff property owner lived. As a result of the extensive damage, the City of Grand Forks decided to rezone the area to nonresidential and restore it as a flood plain rather than rebuild the neighbourhood to its previous state. Read the full article by Piers Fibiger, published in the Young Anderson Newsletter, Volume 37, Number 3 – UBCM Conference Issue.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Prescribed Classes of Property Regulation (164/2026) | Oct. 13/26 | by Reg 164/2026 |

## COMPANY & FINANCE

**Company and Finance News:**

**B.C.'s *Commercial Liens Act*: Key Lessons from the First Year in the Courts**
British Columbia's *Commercial Liens Act* (the "Act") came into force on June 30, 2025, giving businesses that transport, tow, store, salvage, repair, maintain, or improve goods a statutory lien to secure payment for their services. By replacing a patchwork of older lien statutes and common law liens with a single regime, the Act changes how service providers can secure payment, and how they must document and enforce their rights.

The Act is a significant change for carriers in particular. Previously, road carriers generally relied on the common law carrier's lien, which depended on retaining possession of the goods, and was lost on delivery. Under the Act, with the right paperwork, a lien can be registered and enforced after the goods are released. But the Act's formal requirements matter: a lien that does not comply may be unenforceable, and improper enforcement can expose the service provider to liability. Read the full article by Daniel Siracusa and Stephanie Doherty with McCarthy Tetrault.

**Opening the Gate: Kingsgate Takes the Standard of Review for Arbitral Appeals to the Supreme Court of Canada**
Nearly seven years after *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (Vavilov), Canadian courts still disagree on one question:

When a party appeals a domestic arbitral award on a question of law, how much deference does the arbitrator get?

In British Columbia, the answer is none. In *Vancouver School District No. 39 v. Kingsgate Property Ltd.*, 2026 BCCA 98 (Kingsgate), three justices of the British Columbia Court of Appeal held that questions of law on arbitral appeals are reviewed for correctness, although they split on the outcome. That was a departure from two decisions of the Supreme Court of Canada (SCC), *Sattva Capital Corp. v. Creston Moly Corp.*, 2014 SCC 53 (Sattva) and *Teal Cedar Products Ltd. v. British Columbia*, 2017 SCC 32 (Teal Cedar), which made reasonableness the standard of review for appeals of commercial arbitration awards. Other appellate courts are split. Read the full article by Craig Ferris, Scott Lucyk and Jason Liu with Lawson Lundell LLP.

**New Requirements Related to an Annuity Purchase**
The British Columbia Financial Services Authority (BCFSA) has issued a new regulatory statement providing additional guidance on recent amendments to the *Pension Benefits Standards Act* (PBSA) and Pension Benefits Standards Regulation (PBSR) relating to annuity purchases from ongoing defined benefit pension plans.

The statement outlines a new expectation that pension plan administrators notify BCFSA within 30 days of an asset transfer for an annuity purchase. Read the full article by Lisa Chamzuk and Jessica Goodridge with Lawson Lundell.

**Tax Audits: Best Practices for Recipients of Third-Party RFIs**
Requests and requirements for information (RFIs) are among the Canada Revenue Agency's (CRA) most powerful audit tools. Recent legislative proposals would introduce new administrative penalties for non-compliance with RFIs, increasing the consequences for recipients.

A recent decision of the Federal Court of Appeal in *Canada (National Revenue) v. Zeifmans LLP* [2026 FCA 147] provides helpful guidance for recipients of third-party RFIs in assessing their obligations. Read the full article by Donya Ashnaei, Erich Schultze and Pooja Mihailovich with Blakes.

**Federal Government Proposes New Fintech and Non-Financial Activity Regulations for Financial Institutions**
On October 17, 2026, the Department of Finance published four sets of proposed regulations to implement expanded non-financial business and investment powers introduced through the *Budget Implementation Act, 2018, No. 1* (the "Fintech Amendments"). The publication of these proposed regulations marks a long-awaited step toward implementing the Fintech Amendments, which were first enacted more than eight years ago, but are not yet in force.

As discussed in our previous blog on Budget Bill 2018: Amendments to Financial Services Statutes, the Fintech Amendments were intended to provide banks, bank holding companies, foreign banks, federally regulated insurance entities, and trust and loan companies (collectively, "FRFIs") with greater flexibility to undertake Fintech and other non-financial activities both directly and by way of investments. Read the full article by Ana Badour, Lori Stein, Sandra Mollet, Vanessa Johnson and Shalini Mudiyanselage with

McCarthy Tetrault.

**"Reasonable Expectations": Oppression Claims, Business Succession, and Estate Freezes in *Smith v Tassone*, 2026 BCCA 387**
In *Smith v Tassone*, the Court of Appeal for British Columbia affirmed a decision in which Justice Francis, then of the British Columbia Supreme Court, declared that the directors of H.N. Co. Enterprises Ltd. ("H.N. Co.") had treated one of its shareholders, Kimberley Tassone, in a manner that was oppressive and unfairly prejudicial to her interests. The case demonstrates the successful application of the oppression remedy available to shareholders under s 227(2) of the *Business Corporations Act*, SBC 2002, c 57 (BCA), and provides helpful commentary regarding how an estate freeze can affect a shareholder's "reasonable expectations".

In 1997, Henry Smith incorporated H.N. Co. as a holding company for various ventures. Henry held 100 preferred shares in H.N. Co. and was its president and sole director. As an estate planning measure, H.N. Co. also issued one common share to each of Henry's three children: Dana, James, and Kimberley. Read the full article by Polly Storey, Alison Colpitts and Tatum Sabourin with Clark Wilson LLP.

**Keep It or Toss It? What Records Must BC Societies Retain, for How Long, and Who May See Them?**
Consider three situations familiar to many BC societies. A director requests copies of board minutes. A member asks for the register of members before an upcoming election. A journalist requests the society's financial statements for the last five years.

Requests for society records are common occurrences and can frequently lead to disputes. Society directors, who are generally volunteers, often struggle with apparently competing or contradictory requirements to provide document access while protecting personal, private, confidential or sensitive information.

The *Societies Act*, which governs BC societies, addresses these issues. It establishes what records a society must maintain, who may inspect them and when copies must be provided. Importantly, record retention and record access are not separate obligations. A society cannot comply with its disclosure obligations if it has failed to preserve the relevant records. Read the full article by Dierk Ullrich and Stephanie Lee with Fasken.

**CSA Finalizes Amendments to Non-GAAP and Other Financial Measures Disclosure Requirements Ahead of IFRS 18**
On October 15, 2026, the Canadian Securities Administrators (CSA) published final amendments to National Instrument 52-112 *Non-GAAP and Other Financial Measures Disclosure* (NI 52-112) and related materials (the Amendments). The Amendments follow the CSA's November 2025 request for comments on proposed changes to NI 52-112, which we discussed in our earlier blog, CSA Requests Comments on Proposed Amendments to Non-GAAP and Other Financial Measures Disclosure Requirements. The Amendments largely align with the proposed changes; however, the CSA revised certain provisions to enhance clarity.

Subject to all necessary Ministerial approvals, the Amendments will come into force on December 29, 2026. Read the full article by William S. Osler, Mia Bacic, Ali J. Naushahi, Jean Tessier, Tinashe Muzah and Sarah Karlson with Bennett Jones LLP.

**Updates to BC Sales Taxes**
The following updates to sales taxes were recently posted:

**Provincial sales tax (includes municipal and regional district tax)**

- **October 26, 2026**
  Bulletin PST 106, Legal Services (PDF, 340KB), has been updated to reflect that effective October 1, 2026, legal services provided in B.C. are exempt from PST if the purchaser or recipient of the legal services resides, ordinarily resides or carries on business in B.C. and the legal services relate to a jurisdiction other than B.C.
- **October 30, 2026**
  Effective November 1, 2026, the Thompson-Nicola Regional District consisting of the District of Clearwater and Electoral Area A will increase the MRDT rate from 2% to 3%. The MRDT location map has been updated. For more information about MRDT, see our Accommodation page.

**Motor fuel tax and carbon tax**

- **October 19, 2026**
  The Motor fuel tax and carbon tax forms page has been updated to include supporting schedules for the Motor Fuel Generic Return (FCO).

For more information, visit the BC government website.

**BC Securities – Policies & Instruments**
The following notice was recently published on the BCSC website:

- BC Notice 2026/08 – Proposed Significant Changes to Discontinue the Fee Rebate Model and Reduce Certain Core Clearing and Settlement Fees; and Proposed Amendments to Eliminate Network Connectivity Fees and to Eliminate Report File Transmission Fee – CDS Clearing and Depository Services Inc. (CDS)

For more information, visit the BC Securities website.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Business Corporations Regulation (65/2004) | Oct. 13/26 | by Reg 84/2026 |

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|---|---|---|
| Credit Union Incorporation Act | Oct. 13/26 | by 2022 Bill 29, c. 27, section 87 only (in force by Reg 108/2025), Mortgage Services Act |
| Designated Accommodation Area Tax Regulation (93/2013) | Nov. 1/26 | by Reg 87/2026 and Reg 160/2026 |
| Disclosure of the Cost of Consumer Credit Regulation (273/2004) | Oct. 13/26 | by Reg 84/2026 |
| Economic Stabilization (Tariff Response) Act | Oct. 1/26 | by 2026 Bill 5, c. 3, sections 12 to 14 only (in force by Reg 162/2026), Trade Recognition Act |
| Financial Institutions Act | Oct. 13/26 | by 2022 Bill 29, c. 27, sections 88 and 89 only (in force by Reg 108/2025), Mortgage Services Act |
| Financial Services Authority Act | Oct. 13/26 | by 2022 Bill 29, c. 27, sections 91 to 94 only (in force by Reg 108/2025), Mortgage Services Act |
| Financial Services Authority Rule-Making Procedure Regulation (141/2020) | Oct. 13/26 | by Reg 108/2025 |
| Insurance Licensing Exemptions Regulation (328/90) | Oct. 13/26 | by Reg 84/2026 |
| National Instrument 81-101 *Mutual Fund Prospectus Disclosure* (1/2000) | Oct. 1/26 | by Reg 157/2026 |
| National Instrument 81-102 *Investment Funds* (2/2000) | Oct. 1/26 | by Reg 157/2026 |
| National Instrument 81-105 *Mutual Fund Sales Practices* (131/98) | Oct. 1/26 | by Reg 157/2026 |
| Mortgage Brokers Act | **REPEALED** Oct. 13/26 | by 2022 Bill 29, c. 27, section 86 only (in force by Reg 108/2025), Mortgage Services Act |
| Mortgage Brokers Act Regulations (100/73) | **REPEALED** Oct. 13/26 | by Reg 108/2025 |
| Mortgage Services Act | **NEW** Oct. 13/26 | c. 27, SBC 2022, Bill 29, sections 1 (part), 2, 3 (1), (2), 4 to 8, 9 (1) (a) to (c), (2), (3) (a), (4), (5), 10 to 14, 15 (1), 16 to 23, 24 (1), (2) (a), 25 to 65, 66 (1) (a), (b), (d) to (j), (2), (3), 67 to 85 only (in force by Reg 108/2025) |
| Mortgage Services Regulation (109/2025) | **NEW** Oct. 13/26 | see Reg 109/2025 |
| Mortgage Services Rules (110/2025) | **NEW** Oct. 13/26 | see Reg 110/2025 |
| National Instrument 81-101 *Mutual Fund Prospectus Disclosure* (1/2000) | Oct. 1/26 | by Reg 157/2026 |
| National Instrument 81-102: Investment Funds (2/2000) | Oct. 1/26 | by Reg 157/2026 |
| Provincial Sales Tax Act | Oct. 1/26 | by 2026 Bill 2, c. 5, sections 82 to 86, 88 and 89 only (in force by Royal Assent), Budget Measures Implementation Act, 2026 |
| Provincial Sales Tax Exemption and Refund Regulation (97/2013) | Oct. 1/26 | by Reg 113/2026 and Reg 114/2026, as amended by Reg 161/2026 |

| | | |
|---|---|---|
| Provincial Sales Tax Regulation (96/2013) | Oct. 1/26 | by Reg 114/2026, as amended by Reg 161/2026 |
| Securities Rules (194/97) | Oct. 13/26 | by Reg 84/2026 |
| Tax Appeals Regulation (135/2024) | Oct. 1/26 | by Reg 105/2026 |
| Trade Recognition Act | **NEW** Oct. 1/26 | c. 3, SBC 2026, Bill 5, whole Act in force by Reg 162/2026 |

## FOREST & ENVIRONMENT

**Forest and Environment News:**

**A Reverse Vesting Order Cannot Erase Every Unwanted Obligation: B.C. Court Protects Fibre-Supply Rights**
The Supreme Court of British Columbia refused to approve [2026 BCSC 1771] a reverse vesting transaction that would have eliminated TimberWest's and Domtar's long-standing fibre-supply rights. The Court found that the agreements created proprietary interests in a forestry tenure and that the proposed purchaser had not shown why those rights should be extinguished. The transaction was later approved after the purchaser agreed to retain the agreements.

For businesses affected by insolvency sales, the distinction between a commercial obligation and an interest in property can determine whether an agreement survives a restructuring. Read the full article by Mike Stewart with ATAC LAW.

**'Limitation Situation': Yet Another BF?**
Autumn is always a good time to take stock and set priorities, but it's a particularly good time to consider whether any limitation dates might be approaching in those environmental matters on your desk. And if there are, it is important to consider limitation dates in the context of both the statutory cause of action contained in the BC *Environmental Management Act* (EMA) and any potential common law claims.

For EMA claims, if your client has incurred costs of remediation, you may have a couple of years to file a lawsuit after incurring those costs, rather than two years after initially discovering the problem. This may in some cases provide more time to file an EMA cost recovery claim. However, consider that remediation costs are often incurred over many years, and not often completed quickly nor in one flurry of activity. While it may be tempting to wait until the remediation work is 'complete' and all costs are accounted for to file a claim, the entire process may simply take too long. Additionally, the concept of when the remediation is 'complete' may be open to interpretation. Therefore, even when utilizing the EMA, filing a claim earlier rather than later may be prudent and certainly warrants careful consideration. Read the full article by Richard E. Bereti with Harper Grey.

**Supreme Court of Canada to Hear Challenge to Federal 'Toxic' Listing of Plastic Manufactured Items**
The Supreme Court of Canada (Supreme Court) will hear the challenge to the federal government's 2021 decisions to list "plastic manufactured items" (PMI) – a broad category of plastic products – as toxic under the *Canadian Environmental Protection Act, 1999* (the Act).

On October 15, 2026, the Supreme Court granted a group of industry participants (the Applicants) leave to appeal the January 30, 2026 decision of the Federal Court of Appeal (FCA). The FCA upheld the 2021 order adding PMI to the list of toxic substances in Schedule 1 of the Act (the Order), reversing the 2023 Federal Court decision that had quashed it. Read the full article by Jennifer Fairfax, Tommy Gelbman and Homa Aminnejad with Osler.

**Amending and Establishing Land Use Objectives**
Notice of Orders: Nass South Sustainable Resource Management Plan Area.

Notice is hereby given, in accordance with Section 7 of the Land Use Objectives Regulation, that orders have been made under section 93.4(1) of the *Land Act*, and Section 32 of the Environmental Protection and Management Regulation (B.C. Reg. 200/2010) under the *Oil and Gas Activities Act*.

The orders amend Old Growth Management Area SKE_NASS_114 and map for the Nass South Sustainable Resource Management plan area located adjacent to the Bowser River. The orders take effect on the date this notice is published in *The British Columbia Gazette*.

The orders were advertised for public review and comment for a period of 30 days ending on August 30th, 2026. No comments were received in this period.

The orders and map have been filed at the Coast Mountains Natural Resource District Office of the Ministry of Forests at 200 - 5220 Keith Avenue, Terrace, BC V8G 1L1.

The orders are also available at: Nass South Sustainable Resource Management Plan - Province of British Columbia. [oc29]

Source: British Columbia Gazette, Volume CLXVI, No. 43

**Alberta Court of Appeal Finds *Impact Assessment Act***

**Is Unconstitutional... Again**
In its October 9, 2026 opinion in *Reference re Impact Assessment Act, as amended* (2026 Reference Decision), a majority of the Court of Appeal of Alberta (ABCA) concluded that the 2024 amendments to the *Impact Assessment Act* (IAA) did not cure the constitutional defects previously identified by the Supreme Court of Canada (SCC). The majority found that the new definition of "adverse effects within federal jurisdiction" continues to reach beyond matters of federal authority and risks capturing projects that are primarily provincial in nature.

The 2026 Reference Decision is the latest chapter in a constitutional saga spanning seven years and two provincial references. It arrives at a time of significant federal reform involving major projects, including with respect to the IAA. Read the full article by Katie Slipp, Nicole Bakker and Sophia Larsen-Rosner with Blakes.

**First Federal Youth-Led Climate Trial Begins**
History was made in a Vancouver courtroom this week as Canada's first federal youth-led climate trial got underway.

The 15 young Canadians are taking the federal government to court over its fossil fuel policies and its failure to curb greenhouse gas emissions that contribute to climate change. They argue they have a right to live in a world with a safe and stable climate, so this failure to protect them from climate-related harm violates their rights to life, liberty and security of the person under section 7 of the Charter of Rights and Freedoms.

*La Rose v. His Majesty the King* reaches this stage as courts around the world examine the relationship between climate change and human rights and find that government failures to act on the climate crisis can violate legally protected human rights. Read the full article by Holly Lake in the *CBA National*.

**Environmental Appeal Board Decisions**
The following Environmental Appeal Board decisions were made recently:

*Environmental Management Act*

- *Barrick Gold Inc. v. Director, Environmental Management Act* [Consent Order]
- *0739024 BC Ltd. Regional Recycling Burnaby, 534337 South Van Bottle Depot (Zim's) Ltd., 524216 BC Ltd. Walnut Grove Bottle Depot, 0871499 BC Ltd. Regional Recycling Whistler v. Assistant Deputy Minister, Ministry of Environment and Climate Change Strategy* [Preliminary Decision on Document Production – Documents Ordered]

*Water Sustainability Act*

- *7 Hills Realty Inc. v. Assistant Water Manager* [Dismissal Order – Appeal Dismissed]

*Wildlife Act*

- *Fraser MacDonald v. Director, Resource Management – Omineca Region* [Preliminary Decision – Document Disclosure Ordered]

Visit the Environmental Appeal Board website for more information.

**Forest Appeals Commission Decisions**
The following Forest Appeals Commission decision was made recently:

*Forest and Range Practices Act*

- *Sumer Dhillon v. Government of British Columbia* [Settlement Order – Appeal Dismissed Without Costs]

Visit the Forest Appeals Commission website for more information.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Conservation Officer Service Authority Regulation (318/2004) | Oct. 1/26 | by Reg 68/2026 |
| Designation and Exemption Regulation (168/90) | Oct. 1/26 | by Reg 66/2026, as amended by Reg 155/2026 |
| Hunting Regulation (190/84) | Oct. 1/26 | by Reg 66/2026 |
| Park, Conservancy and Recreation Area Regulation (180/90) | Oct. 1/26 | by Reg 68/2026 |
| Permit Regulation (253/2000) | Oct. 1/26 | by Reg 66/2026 |
| Summit Creek Campground and Recreation Area Regulations (164/73) | Oct. 1/26 | by Reg 66/2026 |
| Tax Appeals Regulation (135/2024) | Oct. 1/26 | by Reg 105/2026 |

| | | |
|---|---|---|
| Wildlife Act | Oct. 1/26 | by 2021 Bill 4, c. 7, sections 95 to 101 only (in force by Reg 63/2026), Firearm Violence Prevention Act |
| Wildlife Act General Regulation (340/82) | Oct. 1/26 | by Reg 66/2026 |

## HEALTH

**Health News:**

**Bill C-41: Proposed Changes to Medical Assistance in Dying Laws**
The federal government recently introduced Bill C-41, the *Medical Assistance in Dying Safeguards Act*. Through Bill C-41, the government proposes to permanently prohibit MAiD for those whose sole underlying medical condition is a mental illness, allow practitioners, in certain circumstances, to provide MAiD to those who have made advance requests for MAiD and update reporting requirements for practitioners.

MAiD has been legal since 2016, and access was expanded in March 2021 through Bill C-7. Bill C-7 established different procedural requirements for persons whose natural death is reasonably foreseeable and for those whose natural death is not reasonably foreseeable. Read the full article by John Hunter, Heather Webster, Isaac Wright and Melissa De Angelis with Borden Ladner Gervais LLP.

**BC Supreme Court Orders Hybrid Hearing to Resolve Disputed Incapacity Petition**
The Supreme Court of British Columbia has ordered a hybrid hearing to determine whether a man who sustained a traumatic brain injury in a motor vehicle accident is incapable of managing himself or his affairs, after finding that two medical opinions left significant questions unanswered.

In *Stenner (Re)*, 2026 BCSC 1978, the court found that medical affidavits supporting a declaration of incapacity for Justyn Stenner satisfied the threshold requirements under the *Patients Property Act*. However, the court was not satisfied that the evidence established his incapacity. Read the full article by Angelica Dino in the *Canadian Lawyer*.

**BC Court of Appeal Upholds Order Striking Fraud and Forgery Claims Against Health Authority**
The British Columbia Court of Appeal has upheld a decision striking fraud and forgery claims against the Fraser Health Authority and one of its employees.

In *Phongpradith v Bieberstein*, 2026 BCCA 388, the court found the pleaded facts rested on incorrect interpretations of documents and "were manifestly incapable of being proven." It upheld the chambers judge's decision to strike the amended claim without leave to amend under Rule 9-5(1)(a) of the Supreme Court Civil Rules. Read the full article by Angelica Dino in the *Canadian Lawyer*.

**Split SCC: Anesthesiologist Must Pay $12M for Brain Damage After C-Section**
In a split decision on Friday, the Supreme Court of Canada dismissed two appeals: one filed by an anesthesiologist whom the Ontario Court of Appeal had found owed a woman $12 million for causing her severe and permanent brain damage during an emergency cesarean section, and another filed by the woman and her family.

The plaintiffs had originally sued the anesthesiologist, two obstetricians, and the hospital where the woman, Sophia Hemmings, was treated, for negligence. By the time the case reached the SCC, every defendant besides the anesthesiologist had been let off the hook, prompting the plaintiffs to appeal to the high court.

In *Hemmings v. Padmore*, the SCC determined that the anesthesiologist, Dr. Neil Jamensky, was liable by applying and clarifying a two-part test to establish liability for injuries caused by negligence. The second part of the test requires courts to ask whether the injury was a reasonably foreseeable result of the negligent conduct. Read the full article by Jessica Mach in the *Canadian Lawyer*.

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

## LABOUR & EMPLOYMENT

**Labour and Employment News:**

**Equal Treatment Wage Provisions in the *Canada Labour Code* to Come into Force**
Beginning October 20, 2026, new "Equal Treatment" wage provisions in the *Canada Labour Code* (the "Code") will require federally regulated employers to review how they set employee wage rates. The changes are intended to prevent employees from receiving

lower rates of pay simply because of their employment status as full-time, part-time, temporary, or permanent.

The rules prohibit employers from paying one employee a rate of wage that is less than the rate paid to another due to a difference in employment status if:

- they work in the same industrial establishment;
- they perform substantially the same kind of work;
- the performance of that work requires substantially the same skill, effort and responsibility; and,
- their work is performed under similar working conditions.

Read the full article by Catherine Repel and Tyler Williamson with Clark Wilson LLP.

**B.C.'s *Pay Transparency Act*: New Reporting Requirements for Employers with 50 or More Employees**

By November 1, 2026, British Columbia employers with 50 or more employees in the province must prepare and publish an annual pay transparency report under B.C.'s *Pay Transparency Act* (the "Act"). This expansion brings many smaller employers within the reporting requirements for the first time.

The Act came into effect on May 11, 2023, with the goal of addressing systemic discrimination and reducing the gender pay gap by increasing transparency around compensation. Its requirements include salary or wage disclosure in publicly advertised job postings, restrictions on asking applicants about their pay history, and protections against retaliation for employees who discuss pay or raise concerns about compliance. Read the full article by Tyler Williamson and Catherine Repel with Clark Wilson LLP.

**Fresh Consideration Must Be at Same Time as the New Contract**

In *Chowanetz v. Ivor Forest Products Ltd.*, 2026 BCSC 1760 Justice Wilson had a situation where the employee signed a new employment contract containing an ESA only termination clause after a few years of employment (The 2024 Contract). Prior to the 2024 Contract there was no termination clause.

The employer claimed that there was fresh consideration in that a) his hourly wage went from the original $35 to $38.50 per hour, b) they introduced a RRSP matching program and c) they introduced a discretionary bonus plan. Read the full article from *Barry Fisher's Employment Law Blog*.

**Short Service, Significant Notice: Employer Takeaways from *Ho v. Monk Office Supply Ltd***

In *Ho v. Monk Office Supply Ltd.*, 2026 BCSC 1324, the BC Supreme Court awarded four months' reasonable notice to a corporate controller who had been employed for only two-and-a-half months before being terminated without cause. Beyond the notable award, the decision highlights the growing importance of re-employability, rather than seniority alone, in assessing reasonable notice.

Mr. Ho was hired as a corporate controller in April 2024 and dismissed without cause in June 2024. Following his dismissal, it took Mr. Ho approximately five months to secure another corporate controller position, and he did so at a reduced salary. Because his employment agreement did not contain an enforceable termination clause, the Court was required to determine reasonable notice at common law. Read the full article by Lauren Dresselhuis and Tristan Kimball with Lawson Lundell.

**B.C. Supreme Court Awards $200,000 in Punitive Damages After Government Made Public Servant its Political "Scapegoat"**

In the recent *Taylor v. British Columbia*, 2026 BCSC 1047, the Supreme Court of British Columbia awarded the plaintiff, a former public servant, $50,000 in aggravated damages and $200,000 in punitive damages after finding that the Province of British Columbia (the "Province") acted in bad faith during the plaintiff's termination and improperly used her as a political "scapegoat" in response to the fallout from the Ministry of Health "Misfire" controversy.

The decision is noteworthy for two reasons. First, the Court confirmed that an employer cannot withhold severance payments in exchange for a release when the employee is otherwise entitled to severance. Second, the Court held that a public employer terminating an employee due to politically sensitive public controversy and using the employee to absorb public blame for governmental failures amounts to bad faith and attracts aggravated and punitive damages. Read the full article by Reihan Ahmed, Jahaan Premji and Alessia D'Aversa with DWF.

**An Attack on the Right to Strike**

In recent years, there's been concern about the unprecedented use of section 107 of the *Canada Labour Code* to end labour disputes and plenty of questions about the unfettered power it gives the federal labour minister.

Now that the federal government has moved to codify the use of section 107 in its latest omnibus bill, the *Building Canada Strong Act*, which gives the minister the power to use their discretion to end a strike rather than needing to use back-to-work legislation, critics are calling it an attack on the right to strike.

"It goes against what the right to strike means in Canada. We have huge concerns about that," says Siobhán Vipond, executive vice-president of the Canadian Labour Congress. Read the full article by Dale Smith with the *CBA National*.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Occupational Health and Safety Regulation | Oct. 1/26 | by Reg 39/2026 |

| | | |
|---|---|---|
| (296/97) | | |
| Pension Benefits Standards Act | Oct. 30/26 | by 2023 Bill 33, c. 34, sections 5, 10, 14, 18, 21 and 24 (b) only (in force by Reg 62/2026), Pension Benefits Standards Amendment Act, 2023 |
| Pension Benefits Standards Regulation (71/2015) | Oct. 30/26 | by Reg 62/2026 |

## MOTOR VEHICLE & TRAFFIC

**Motor Vehicle and Traffic News:**

**Split SCC Orders New Trial for Driver Acquitted after Causing Fatal Car Accident**
The Supreme Court of Canada has ordered a new trial for a driver whose car killed a child and injured the child's father when he ran a red light in downtown Vancouver, finding that a trial judge conducted a flawed analysis when acquitting the driver. Writing for a majority of the high court's justices, SCC Justice Michelle O'Bonsawin said Friday's ruling in *R. v. Moshfeghi Zadeh* clarifies when a driver's lack of attention to the road markedly departs from the standard of care a reasonable person would have exercised in the same circumstances. Read the full article by Jessica Mach with *Canadian Lawyer*.

**Province to Replace Intersection Safety Cameras**
Last month, the Province announced that it will replace all existing intersection safety cameras in British Columbia through a phased implementation process, to be completed in spring 2027. There are currently 140 intersection safety cameras (ICS) that enforce red light violations, including 35 that also conduct speed enforcement. The primary reason for replacing these cameras is that they are nearing the end of their working life, and their technology has become outdated. New cameras will be higher in resolution, while also providing the same level of enforcement and data as the previous technology. Existing cameras will remain operational during the period when new cameras are being installed. Read the UBCM article.

**Transportation of Firmware-limited Lithium-ion Cells and Batteries**
Nothing in this guidance document supersedes any requirement or obligation outlined in the legislation. It does not amend, replace or override the *Transportation of Dangerous Goods Act, 1992* (TDG Act) or the Transportation of Dangerous Goods Regulations (TDG Regulations). Anyone who handles, offers for transport, transports or imports dangerous goods is responsible for determining whether the Act and Regulations apply to their activities and for complying with all applicable requirements. This document is meant to provide guidance on how to understand and carry out the requirements related to the transportation of firmware-limited capacity lithium-ion cells or batteries. Read the full document published by Transport Canada.

**CVSE Bulletins & Notices**
The following document was posted recently by CVSE:

- NSC Bulletin 02-2023 – Publication of Carriers Cancelled for Cause

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**

- 25933-26 – Surfside Adventure Tours
- 26023-26 – Connect Airport Transfers
- 25863-26 – Ad Limo Services
- 25918-26 – EV Taxi Ltd.
- 26024-26 – Van Limos Service Ltd.
- 26158-26 – Mountain Car Service Ltd.

**Application Decisions**

- 25363-26 – Atlas Private Car Service [Approved]
- 24604-25 – Northern Rainforest Safaris, NRS [Approved]
- 26714-26 PS TOP – Sapphire Limousine Ltd. [Approved]
- 24495-25 – Hallcon Crew Transport Canada [Approved in Part]
- 24703-25 – Sidney Taxi [Approved in Part]
- 24702-25 – Victoria Taxi Transportation Ltd. [Refused]
- 24701-25 – Westwind Cabs Ltd. [Approved in Part]
- 26740-26 FS TOP – 437222 BC Ltd. [Approved]
- 25602-26 – Transfer from Cando Venture Corp. to Kooterra Venture Corp. [Approved]

- 25250-26 – Bluebird Cabs [Approved]

Visit the Passenger Transportation Board website for more information.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Basic Vehicle Damage Coverage Regulation (4/2021) | Oct. 19/26 | by Reg 134/2026 |
| Insurance (Vehicle) Regulation (447/83) | Oct. 19/26 | by Reg 134/2026 |
| Motor Vehicle Act | Oct. 1/26 | by 2021 Bill 4, c. 7, section 94 only (in force by Reg 63/2026), Firearm Violence Prevention Act |
| | Oct. 19/26 | by 2025 Bill 12, c. 18, sections 1, 2, 3, 4, 7 only (in force by Reg 134/2026), Motor Vehicle Amendment Act, 2025 |
| Motor Vehicle Act Regulations (26/58) | Oct. 19/26 | by Reg 134/2026 |
| Motor Vehicle Fees Regulation (334/91) | Oct. 19/26 | by Reg 134/2026 |
| Violation Ticket Administration and Fines Regulation (89/97) | Oct. 1/26 | by Reg 67/2026 |

## OCCUPATIONAL HEALTH & SAFETY

**Occupational Health and Safety News:**

**BC MPs Renew Push for Federal Recognition of Wildland Firefighters**

BC MPs Gord Johns (NDP) and Bob Zimmer (Conservative) joined union representatives in Ottawa on October 26 to renew calls for the federal government to formally recognize wildland and forest firefighters under Canada's National Occupational Classification (NOC) system. Currently, forest firefighters are classified as *silviculture and forestry workers* (NOC 84111) rather than *firefighters* (NOC 42101). Advocates argue that this distinction fails to reflect the hazardous nature of their work and may contribute to disparities in occupational recognition, benefits and workplace protections. The issue was previously raised through private member's Motion M-33, *Wildland and forest firefighters*, introduced by Johns on May 7, 2026. The motion calls for changes to the classification and greater recognition of wildland firefighters as public safety personnel but has not advanced beyond the notice stage. The federal government has indicated that revisions to the NOC are expected in December 2026. However, it has also clarified that occupational classifications do not independently determine eligibility for health benefits or public safety pension provisions.

**Safety Violation Does Not Defeat Due Diligence: BC's Workers' Compensation Appeal Tribunal Cancels $57,000 Penalty**

A recent Workers' Compensation Appeal Tribunal (WCAT) decision provides useful guidance on the due diligence defence available to employers facing occupational health and safety administrative penalties. In *A2300616 (Re)*, 2026 CanLII 54697 (BC WCAT), WCAT cancelled a $57,282.25 administrative penalty arising from an excavator rupturing a natural gas line. Although the employer contravened the Occupational Health and Safety Regulation, WCAT found that it had taken all reasonable steps to prevent the violation and had therefore established due diligence. Read the full article by Sam Tecle with Gowling WLG.

**A Workplace Accident Happened. Do You Need to Call WorkSafeBC?**

WorkSafeBC issues Occupational Health and Safety Guidelines to assist in applying, interpreting and complying with sections of the *Workers Compensation Act* (the "Act") and the Occupational Health and Safety Regulation. This past month, WorkSafeBC issued a revised version of Guideline G-P2-68-1 "Accidents and incidents requiring immediate notification to WorkSafeBC", which applies to section 68(1) of the Act (the "Guideline"). Section 68(1) requires employers to immediately notify WorkSafeBC of the occurrence of injuries falling within certain categories. Read the full article by Michelle Jones and Nicole Welsh with Lawson Lundell.

**CSA Group, WorkSafeBC Launch National Rigging and Hoisting Standard**

CSA Group and WorkSafeBC have signed an agreement to fast-track a national standard defining the competencies needed to safely perform rigging and hoisting work, the two organizations announced on October 28. No such Canadian standard currently exists. The proposed standard would set a common, nationally recognized benchmark for the knowledge, skills and abilities required for rigging and hoisting across construction, manufacturing, transportation, energy and marine operations. CSA Group, an accredited standards development organization, will lead the drafting process, with work beginning this fall. Read the full article by Shane Mercer with *Canadian Occupational Safety* magazine.

**Delayed Punishment Might Mean Less Punishment in OHS Cases**

Our readers will be aware that, in 2016, the Supreme Court of Canada (the "SCC") set time limits for how long prosecutions in

Canada should take. That was in *R. v. Jordan*. Generally speaking, in occupational health and safety prosecutions, a trial must finish within 18 months of the charges being laid. If that doesn't happen, the charges can be stayed. In this way, Jordan addressed the time between charges being laid and the delivery of a verdict. However, some question remained about delay in the time between conviction and the imposition of sentence. The SCC has now clarified the law applicable to delay in this period too. On September 11, 2026, the SCC released its decision in *R. v. R.B.-C.* which held that, unlike the time before a verdict, no presumptive ceiling or specific time limit applies. Rather, the delay becomes too much when the time taken to impose sentence was markedly longer than it reasonably should have been in all the circumstances (the "Markedly Longer Test"). This decision, like other caselaw about delay in prosecutions, will apply to parties convicted of regulatory offences, including those under occupational health and safety ("OHS") legislation. For that reason, it is worth knowing about. Read the full article by Jeremy Warning and Megan Jenkinson with Mathews, Dinsdale & Clark LLP.

**OHS Policies/Guidelines – Updates**
**Guidelines – Occupational Health and Safety Regulation**
October 15, 2026

- Part 16: Mobile Equipment
  - Lift trucks – Rotating telehandler standard and operator training

Visit the WorkSafeBC website to explore this and previous updates.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Occupational Health and Safety Regulation (296/97) | Oct. 1/26 | by Reg 39/2026 |

## PROPERTY, REAL ESTATE & CONSTRUCTION

**Property, Real Estate & Construction News:**

**Big Little Misrepresentations – Developer Disclosures to Purchasers Under BC's Real Estate Development and Marketing Act**
Under the *Real Estate Development and Marketing Act*, S.B.C. 2004, c. 41 ("REDMA"), developers are subject to disclosure requirements before marketing a development unit and must correct misrepresentations within their disclosure statements. A disclosure statement generally contains information for the benefit of the purchasers, and depending on the type of development, can include information about the developer, the development property, servicing information, construction dates, and development approvals and financing.

But what are the consequences when a developer fails to correct a misrepresentation and subsequently enters restructuring proceedings under the *Companies' Creditors Arrangement Act*? This question was recently considered by the British Columbia Supreme Court in *Kingsett Mortgage Corporation v. Lumina Eclipse Limited Partnership* [2026 BCSC 1598], which held that pre-sale contracts were unenforceable against the purchasers as a result of misrepresentations contained in the developer's disclosure statements under REDMA. In this article, we breakdown disclosure obligations under REDMA and the implications of Kingsett for developers. Read the full article by Diana Wang with Civic Legal.

**British Columbia's New Mortgage Regulatory Regime: What Industry Participants Need to Know**
British Columbia's new *Mortgage Services Act* (the "MSA") came into force on October 13, 2026, replacing the long-standing prior legislation, the *Mortgage Brokers Act* (the "Prior Legislation"). The MSA represents the most significant overhaul of mortgage regulation in British Columbia in decades, introducing a broader scope of regulated activities, a modernized licensing framework, and substantially enhanced enforcement powers. The MSA regime is administered by the British Columbia Financial Services Authority ("BCFSA"). Read the full article by Jason Kroft, Clément Stacey and Alana Scotchmer with Gowling WLG.

**Cowichan Tribes to Propose Solution Protecting Private Property in January: Lawyer**
The lawyer for the Cowichan Tribes said they will make a proposal in January that protects private property rights in the landmark Aboriginal title case that the BC Conservatives have said calls into question who controls British Columbia. Lawyer David Rosenberg said that if it has "the right attitude," the incoming Conservative government will find it easier to resolve the Cowichan case than to repeal the *Declaration on the Rights of Indigenous Peoples Act*, known as DRIPA. The 2025 Cowichan ruling on a portion of Crown, city and private land in Richmond, BC, found that Aboriginal title is a "senior interest" compared with fee-simple title, and sections of BC's *Land Title Act* that establish fee-simple title as "indefeasible" do not apply to Aboriginal title. Read the *BIV* article.

**Can an Unpaid Contractor Claim a Developer's Municipal Construction Deposit? BC Court Says Not Here**
The Supreme Court of British Columbia approved the $37.5 million receivership sale of a West Vancouver development and rejected attempts by a project manager and an unpaid contractor to claim priority over a $2.61 million municipal construction deposit. The developer's contractual rights to any refund were covered by its lender's perfected security interest. The ruling [2026 BCSC 1928] distinguishes money securing municipal works from payments owed under a construction contract. A contractor cannot treat a development deposit as available trust funds merely because its work relates to the same project. Read the full article by Mike Stewart with ATAC Law.

**Relief from Forfeiture in Commercial Lease Renewals**
Commercial leases usually contain specific requirements that a tenant must observe in order to avoid a breach of the lease. Breaching the lease often entitles the landlord to terminate the lease and require the tenant to vacate the premises. Relief from forfeiture is a powerful remedy that, in exceptional cases, allows a court to reinstate a commercial lease even when the landlord's termination of the lease was valid. The courts of British Columbia will only grant this remedy to prevent harsh or unfair outcomes to tenants in cases where the breach is fairly minor or technical, where the termination would result in a substantial loss to the tenant, and where reinstatement of the lease would not be unfair to the landlord. Read the full article by Anna Sekunova, Cameron Fox and Tatum Sabourin with Clark Wilson LLP.

| Act or Regulation Affected | Effective Date | Amendment Information |
|---|---|---|
| Mortgage Brokers Act | **REPEALED** Oct. 13/26 | by 2022 Bill 29, c. 27, section 86 only (in force by Reg 108/2025), Mortgage Services Act |
| Mortgage Brokers Act Regulations (100/73) | **REPEALED** Oct. 13/26 | by Reg 108/2025 |
| Mortgage Services Act | **NEW** Oct. 13/26 | c. 27, SBC 2022, Bill 29, sections 1 (part), 2, 3 (1), (2), 4 to 8, 9 (1) (a) to (c), (2), (3) (a), (4), (5), 10 to 14, 15 (1), 16 to 23, 24 (1), (2) (a), 25 to 65, 66 (1) (a), (b), (d) to (j), (2), (3), 67 to 85 only (in force by Reg 108/2025) |
| Mortgage Services Regulation (109/2025) | **NEW** Oct. 13/26 | see Reg 109/2025 |
| Mortgage Services Rules (110/2025) | **NEW** Oct. 13/26 | see Reg 110/2025 |
| Real Estate Services Act | Oct. 13/26 | by 2022 Bill 29, c. 27, section 95 only (in force by Reg 108/2025), Mortgage Services Act |
| Real Estate Services Regulation (506/2004) | Oct. 13/26 | by Reg 84/2026 |
| Real Estate Services Rules (209/2021) | Oct. 13/26 | by Reg 84/2026 |


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