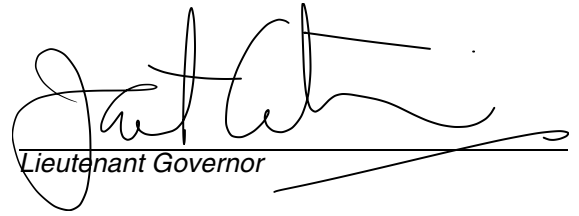


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 200

, Approved and Ordered March 31, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective April 1, 2023, the Carbon Tax Regulation, B.C. Reg. 125/2008, is amended as set out in the attached Appendix.



Minister of Finance



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Carbon Tax Act, S.B.C. 2008, c. 40, s. 84*

Other: *OIC 386/2008*

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APPENDIX

1 The Carbon Tax Regulation, B.C. Reg. 125/2008, is amended by adding the following section:

Partial exemption – greenhouse growers

20.3 (1) In this section:

“eligible greenhouse” means a greenhouse in British Columbia of which more than 90% is used for the growing of vegetables, fruits, bedding plants, flowers, ornamental plants, tree seedlings or landscape plants;

“eligible greenhouse grower” means a person who

(a) carries on a business of growing vegetables, fruits, bedding plants, flowers, ornamental plants, tree seedlings or landscape plants in eligible greenhouses,

(b) in the previous 12 months, had gross revenues of \$20 000 or more from the sale of products referred to in paragraph (a), and

(c) in the next 12 months, has a reasonable expectation of gross revenues of \$20 000 or more from the sale of products referred to in paragraph (a);

“eligible purpose” means heating an eligible greenhouse or supplementing carbon dioxide in an eligible greenhouse in order to grow or produce plants.

(2) Propane and natural gas are partially exempt, as calculated in accordance with subsection (3), from tax imposed under section 8 or 11 of the Act if

(a) the propane or natural gas is purchased for use for an eligible purpose,

(b) the purchaser of the propane or natural gas is an eligible greenhouse grower, and

(c) at or before the time of sale, the seller obtains from the purchaser a declaration in a form acceptable to the director.

(3) For the purposes of the partial exemption from tax provided under subsection (2), the amount of tax imposed under section 8 or 11 of the Act is reduced by 80%.

(4) The declaration referred to in subsection (2) (c) must be retained by the seller to substantiate non-collection of the full amount of tax on the sale.

2 The following sections are added to Part 5:

Refund – greenhouse growers

29.21 (1) In this section, **“eligible greenhouse grower”** and **“eligible purpose”** have the same meaning as in section 20.3 (1).

(2) If the director is satisfied that

(a) a person has paid an amount of tax under section 8 of the Act on propane or natural gas in circumstances in which the person would not have been required to pay the amount if the seller had obtained from the person, at or before the time of sale, the declaration required under section 20.3 (2) (c) of this regulation, and

(b) the person would not have been required to pay the amount of tax but for section 20.3 (2) (c),

the director must pay the person a refund of the amount of tax paid on the propane or natural gas less the amount of tax that the person would have been required to pay on that propane or natural gas had the seller obtained from the person, at or before the time of sale, the declaration required under section 20.3 (2) (c).

(3) If the director is satisfied that a person has paid an amount of tax under section 8 of the Act on propane or natural gas

(a) that the person purchased before becoming an eligible greenhouse grower, and

(b) that the person used for an eligible purpose after becoming an eligible greenhouse grower,

the director must pay the person a refund of the amount of tax paid on the propane or natural gas so used less the amount of tax that the person would have been required to pay on that propane or natural gas had the partial exemption under section 20.3 of this regulation applied in respect of the purchase.

(4) If the director is satisfied that a person has paid an amount of tax under section 8 of the Act on propane or natural gas

(a) that the person purchased on or after March 1, 2023 and before April 1, 2023, and

(b) that the person used as an eligible greenhouse grower for an eligible purpose on or after April 1, 2023,

the director must pay the person a refund of the amount of tax paid on the propane or natural gas so used less the amount of tax that the person would have been required to pay on that propane or natural gas had the partial exemption under section 20.3 of this regulation applied in respect of the purchase.

Refund of security – partial exemption from tax

29.22 (1) If the director is satisfied that a person who is a collector, deputy collector or retail dealer has paid security on fuel that was sold to a purchaser who was not liable to pay the full amount of tax on that purchase, the director must pay to the person the difference between the amount of security the person paid on the fuel and the amount of security or tax the person received for the fuel.

(2) A deputy collector or retail dealer who has received an amount under subsection (1) for a fuel is not entitled to, and must not request, a refund of security from the person who sold the fuel to the deputy collector or retail dealer.