

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 83

, Approved and Ordered February 28, 2025



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 March 3, 2025, the Securities Regulation, B.C. Reg. 196/97, is amended as set out in the attached Schedule.



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: Securities Act, R.S.B.C. 1996, c. 418, s. 183 (35)

Other: _____

SCHEDULE

1 *Section 1 of the Securities Regulation, B.C. Reg. 196/97, is amended by adding the following definitions:*

“**Final ETF Facts Document**” means an ETF facts document, as defined in National Instrument 41-101 *General Prospectus Requirements*, other than a preliminary or pro forma ETF facts document or an amendment to an ETF facts document under that Instrument;

“**Final Fund Facts Document**” means a fund facts document, as defined in National Instrument 81-101 *Mutual Fund Prospectus Disclosure*, other than a preliminary or pro forma fund facts document or an amendment to a fund facts document under that Instrument; .

2 *Section 22 is amended in the table*

(a) by repealing paragraph (b) of Column 1 of item 9 and substituting the following:

(b) For filing a preliminary or pro forma prospectus for a mutual fund that is not required to file a Final Fund Facts Document or a Final ETF Facts Document ,

(b) by repealing paragraph (c) of Column 1 of item 9 and substituting the following:

(c) For filing a Final Fund Facts Document or a Final ETF Facts Document ,

(c) in paragraph (a) of item 10 by striking out “or”,

(d) in paragraph (b) of item 10 by adding “or” after “exchange traded fund,”,

(e) in item 10 by adding the following paragraph

(b.1) a prospectus for a mutual fund if a Final Fund Facts Document is filed with the prospectus ,

(f) in paragraph (a) of item 10.1 by striking out “, or”,

(g) in item 10.1 by repealing paragraph (b),

(h) in item 10.1 by striking out “in accordance with sections 24 and 25” and substituting “in accordance with section 24”,

(i) by adding the following item:

Item	Column 1	Column 2
10.2	For filing a Final ETF Facts Document the amount, if any, by which (a) 0.00325%, or (b) in the case of a money market fund, 0.0013% of the gross proceeds realized by the issuer or the securityholder from the distribution, under the prospectus relating to the Final ETF Facts Document, to purchasers in Canada exceeds the aggregate of the fees paid under item 9, which amount must be paid in accordance with section 24.	

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(j) by adding the following item:

Item	Column 1	Column 2
10.3	For filing a Final Fund Facts Document, the amount, if any, by which (a) 0.025%, or (b) in the case of a money market fund, 0.01% of the gross proceeds realized by the issuer or the securityholder from the distribution, under the prospectus relating to the Final Fund Facts Document, to purchasers in Canada exceeds the aggregate of the fees paid under item 9, which amount must be paid in accordance with section 24.	

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(k) by repealing item 12 and substituting the following:

Item	Column 1	Column 2
12	For filing an amendment to a preliminary prospectus, prospectus or annual information form, other than an amendment referred to in item 12.1	\$250

,

(l) by adding the following item:

Item	Column 1	Column 2
12.1	For filing an amendment to a prospectus under section 3D.1 (a) (i) or 3D.1 (b) (ii) (A) of National Instrument 41-101 <i>General Prospectus Requirements</i> or section 2.3 (5.2) (a) (i) or 2.3 (5.2) (b) (ii) (A) of National Instrument 81-101 <i>Mutual Fund Prospectus Disclosure</i>	No fee

, and

(m) in item 21.1 by striking out “amount determined range under section 24.2” and substituting “amount determined under section 24.2”.

3 Section 24 is amended

(a) by renumbering the section as section 24 (1),

(b) by striking out “under item 10 or 10.1 of the table in section 22” and substituting “under item 10, 10.1, 10.2 or 10.3 of the table in section 22”,

(c) in paragraph (a) by striking out “, in circumstances where National Instrument 44-102 Shelf Distributions does not apply” and substituting “and National Instrument 44-102 Shelf Distributions does not apply”,

(d) by repealing paragraph (b) and substituting the following:

(b) if the prospectus relates to securities that are distributed continuously and if

(i) National Instrument 44-102 Shelf Distributions does not apply, and

(ii) the issuer or securityholder was not required to file a Final Fund Facts Document or a Final ETF Facts Document,

the issuer or securityholder must file, in accordance with subsection (2), a notice of gross proceeds realized from the distribution under the prospectus to purchasers in British Columbia, accompanied by the prescribed fee, ,

(e) by adding the following paragraph:

(b.1) if the distribution relates to securities that are distributed continuously and if

(i) National Instrument 44-102 Shelf Distributions does not apply, and

(ii) the distribution of securities is a distribution in respect of which an issuer or securityholder is required to file a Final Fund Facts Document or Final ETF Facts Document,

the issuer or securityholder must file, in accordance with subsection (2), a notice of the gross proceeds realized from the distribution of the securities to purchasers in British Columbia, from the date that the Final Fund Facts Document or Final ETF Facts Document was filed until the date that the new Final Fund Facts Document or new Final ETF Facts Document is filed, accompanied by the prescribed fee, , and

(f) by adding the following subsection:

- (2) If a notice referred to in paragraph (b) or (b.1) is required to be filed, the notice, accompanied by the prescribed fee, must be filed on the date that the issuer or securityholder files the new prospectus relating to the securities, the new Final Fund Facts Document relating to the securities or the new Final ETF Facts Document relating to the securities, as applicable.

- 4 Section 25 is amended by striking out “section 24 (a) (i) (A), the notice filed under section 24 (a) (ii)” and substituting “section 24 (1) (a) (i) (A), the notice filed under section 24 (1) (a) (ii)”.***