


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 358

, Approved and Ordered June 27, 2022



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

- (a) effective June 30, 2022, section 4 of the Tribunal Small Claims Regulation, B.C. Reg. 232/2018, is repealed,
- (b) effective September 1, 2022, sections 2, 5, 9 and 11 to 14 of the *Attorney General Statutes Amendment Act, 2022*, S.B.C. 2022, c. 6, are brought into force,
- (c) effective September 1, 2022, the Accident Claims Regulation, B.C. Reg. 233/2018, is amended as set out in the attached Schedule 1, and
- (d) effective September 1, 2022, the Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended as set out in the attached Schedule 2.



Attorney General and Minister Responsible for Housing



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: *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25, s. 93 (2);
Attorney General Statutes Amendment Act, S.B.C. 2022, c. 6, s. 21;
Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, ss. 45 (2) (b), 72 (a) and 181 (7)

Other: OIC 1897/83; OIC 593/2018; OIC 594/2018

R10605119

SCHEDULE 1

- 1 The Accident Claims Regulation, B.C. Reg. 233/2018, is amended by adding the following heading after section 1:*

PART 1 – BENEFITS CLAIMS, MINOR INJURY CLAIMS AND LIABILITY AND DAMAGES CLAIMS .

- 2 Section 2 is repealed and the following substituted:*

Application of Part

- 2** This Part applies in relation to accident claims referred to in section 133 (1) (a) to (c) of the Act.

- 3 The following Part is added:*

PART 2 – ACCIDENT RESPONSIBILITY CLAIMS

Application of Part

- 8** This Part applies in relation to accident claims referred to in section 133 (1) (d) of the Act.

Time limit – determination of extent of responsibility for accident

- 9** (1) For the purposes of section 13.5 of the Act, a party may not make a request under section 4 of the Act asking the tribunal to resolve a claim concerning a determination by the Insurance Corporation of British Columbia of the extent to which the party is responsible for an accident more than 90 days after the Insurance Corporation of British Columbia makes a detailed assessment of responsibility in relation to the accident.
- (2) For the purposes of subsection (1), the date that the Insurance Corporation of British Columbia makes a detailed assessment of responsibility is the date of the detailed responsibility assessment (CL 722) issued by the Insurance Corporation of British Columbia in relation to the accident under section 148.8 (3) of the Insurance (Vehicle) Regulation.

Matters required to be proven and onus of proof

- 10** In a claim concerning a determination by the Insurance Company of British Columbia of the extent to which the initiating party is responsible for an accident, the initiating party has the onus of proving both of the following matters:
- (a) the Insurance Corporation of British Columbia acted improperly or unreasonably in assigning responsibility for the accident to the initiating party;
 - (b) the extent to which the initiating party is responsible for the accident is less than the extent of responsibility assigned by the Insurance Corporation of British Columbia.

SCHEDULE 2

- 1 The Insurance (Vehicle) Regulation, B.C. Reg. 447/83, is amended by adding the following Part:*

PART 10.1 – ACCIDENT RESPONSIBILITY CLAIMS

Accident responsibility claim - limitation

- 148.8** (1) A person must not commence an action under section 133 (1) (d) of the *Civil Resolution Tribunal Act* respecting a determination by the corporation of the extent to which the person is responsible for an accident unless
- (a) the corporation has issued a notification of responsibility (CL 281) notifying the person of the corporation's assignment of responsibility for the accident,
 - (b) the person has made a written request to the corporation, in the form and manner established by the corporation, for a detailed responsibility assessment in relation to the accident, and
 - (c) the person has received the detailed responsibility assessment (CL 722).
- (2) The written request referred to in subsection (1) (b) must be received by the corporation within 90 days after the date of the notification of responsibility (CL 281) issued under subsection (1) (a).
- (3) The corporation must, as soon as practicable after receiving a written request for a detailed responsibility assessment under subsection (1) (b), issue the detailed responsibility assessment (CL 722) to the person.