

Quickscribe Reporter

Stay Current. Keep Informed.

Vol: XXIII – Issue 4 – April 2024

QS News

Veronica Franco to Contribute Strata Law Expertise

Quickscribe is pleased to welcome [Veronica Franco](#), a senior partner at Clark Wilson LLP, as a new contributor to Quickscribe. Veronica has appeared at all levels of court in BC and before administrative tribunals, such as the Human Rights Tribunal and the Civil Resolution Tribunal. She is one of the authors and editors of the Strata Property Practice Manual for the Continuing Legal Education Society of British Columbia. With over 25 years of experience, Veronica is a leader in British Columbia's strata law community and is routinely invited to speak to industry and public audiences alike for the Condominium Home Owners Association, the Professional Association of Managing Agents, and the Canadian Condominium Institute. Veronica is an alumna of Harvard Law School, where she has earned her Leadership in Law Firms certificate. As a Quickscribe expert annotator, Veronica will continue sharing her strata law knowledge.

New Bills

The following bills were recently introduced:

Government Bills

- [Bill 18](#) – Vancouver Charter Amendment Act (No. 2), 2024
- [Bill 19](#) – Children and Family Development Statutes Amendment Act, 2024
- [Bill 20](#) – First Nations Mandated Post-Secondary Institutes Act
- [Bill 21](#) – Legal Professions Act
- [Bill 22](#) – Safe Access to Schools Act
- [Bill 23](#) – Anti-Racism Act
- [Bill 24](#) – Energy Statutes Amendment Act, 2024
- [Bill 25](#) – Haida Nation Recognition Amendment Act, 2024

Private Bills

- [Pr401](#) – Vancouver Foundation Act

Members' Bills

- [Bill M207](#) – Preserving Brunswick Point for Agriculture and Migrating Waterfowl Habitat Act
- [Bill M208](#) – Mental Health Amendment Act, 2024
- [Bill M209](#) – Business Practices and Consumer Protection (Greenwashing Prevention) Amendment Act, 2024
- [Bill M210](#) – Correction Statutes Amendment Act, 2024
- [Bill M211](#) – Clean Air Act
- [Bill M212](#) – Name Amendment Act, 2024
- [Bill M213](#) – Clean Energy Amendment Act, 2024
- Bill M215 – Ending Decriminalization Act
- Bill M216 – Wildlife Amendment Act (No. 2), 2024

For more information on the status of these or any other bills, visit our dedicated [Bills page](#), located on the left navigation. If you wish to be notified when these or other changes come into force, check out Quickscribe's customizable alerts via the [My Alerts](#) page. Quickscribe alerts are included with your subscription so feel free to select the alerts that work best for you!

New Annotations

New Annotations have been added to Quickscribe:

- [Christopher Hirst](#), Alexander Beaudin + Lang LLP – [Builders Lien Act](#)
- [Paul McLean](#), Mathews, Dinsdale & Clark LLP – [Workers Compensation Act](#)

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

Are you looking for a more custom notification that will advise you about important developments that impact your specific area of interest? Quickscribe offers numerous customizable alerts – visit the [My Alerts Page](#). Quickscribe alerts are included with your subscription, so feel free to select the alert that works best for you!

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

[COMPANY & FINANCE](#)
[ENERGY & MINES](#)
[FAMILY & CHILDREN](#)

[FOREST & ENVIRONMENT](#)
[HEALTH](#)
[LABOUR & EMPLOYMENT](#)

[LOCAL GOVERNMENT](#)
[MISCELLANEOUS](#)
[MOTOR VEHICLE & TRAFFIC](#)

[OCCUPATIONAL HEALTH & SAFETY](#)
[PROPERTY, REAL ESTATE & CONSTRUCTION](#)
[WILLS & ESTATES](#)



COMPANY & FINANCE

Company and Finance News:

Canada Federal Budget 2024

On April 16, 2024, the federal government introduced *Budget 2024: Fairness for Every Generation*. The Budget contains tax measures aimed at generating increased tax revenue from wealthier Canadians. The federal government believes that this will make the tax system more "fair".

The most significant proposals include:

- increasing the capital gains inclusion rate from one-half to two-thirds for all capital gains realized by corporations and trusts and for capital gains in excess of CA\$250,000 realized by individuals in a tax year;
- increasing the lifetime capital gains exemption CA\$1.25 million for capital gains realized on the disposition of qualified small business corporation shares or qualified farm or fishing property (effective June 25, 2024);
- the introduction of the "Canadian entrepreneur's incentive" which reduces the capital gain inclusion rate on certain dispositions of qualifying shares by an individual;
- additional changes to the alternative minimum tax rules
- rules regarding the Clean Electricity investment tax credit

Read the [full article](#) by Mark Jadd with Dentons.

2024 Federal Budget – Major Income Tax Changes Announced

Yesterday (April 16, 2024), the Department of Finance Canada published its 2024 federal budget ("Budget 2024"). Several major tax proposals were announced. This blog post briefly outlines those relating to income tax.

1. Increased Capital Gains Inclusion Rate

Budget 2024 announced the Federal Government's intention to amend the [Income Tax Act](#) (Canada) (the "Act") to increase the taxable portion of capital gains from one-half to two-thirds in respect of:

1. capital gains realized by an individual in a year exceeding \$250,000, and
2. capital gains of any amount realized by a trust or a corporation in a year.

Read the [full post](#) published by [Jonathan Longcroft](#), [Elliott Simpson](#) and [Alexander Demner](#) with Thorsteinssons LLP.

Freeland Moves for Separate Commons

Vote on Capital Gains Tax Changes

Finance Minister Chrystia Freeland intends to ask Parliament to approve proposed changes to capital gains taxation in a stand-alone bill – a move that will force the federal Conservatives to take a specific position on the measure. The most controversial announcement from her recent federal budget is not included in the motion she tabled Tuesday to introduce budget legislation in the House of Commons. That motion includes many other measures announced in the April 16 spending plan, including the national school food program, updates to programs that help first-time homebuyers and tax changes for people who own short-term rentals. Read the CBC [article](#).

2024 Federal Budget: Banking, Financial Services Highlights

On April 16, 2024, Canada's Deputy Prime Minister and Finance Minister Chrystia Freeland unveiled [Budget 2024](#) (Budget). The Budget, titled "*Fairness for every generation*," sets out the federal government's policy initiatives for the next fiscal year. The legislative amendments to implement the Budget's policy goals will follow in the federal government's *Budget Implementation Act*. Our Blakes Financial Services Regulatory group has highlighted the major policy initiatives impacting financial services regulation below. Read the [full article](#) by [Paul Belanger](#), [Jacqueline D. Shinfield](#), [Vladimir Shatiryan](#), [Mena Bellofiore](#), [Tracy Molino](#) and [Alan Fraser](#) with Blakes.

2024 Federal Budget: Selected Pensions, Benefits and Executive Compensation Measures

On April 16, 2024, the federal government tabled its [2024 budget](#) (2024 Budget), which included a number of provisions related to pensions, benefits and executive compensation. Here is an overview of such key provisions in the 2024 Budget and the accompanying Supplementary Tax Measures, which are discussed in further detail below:

- [Employee Stock Option Deduction](#)
- [Working Group on Catalyzing Greater Domestic Investment Opportunities for Canadian Pension Funds](#)
- [Disclosure of Pension Fund Investments](#)
- [Amending the Home Buyers' Plan](#)
- [Possible Changes to the Qualified Investments for Registered Plans](#)
- [Previously Announced Measures](#)

Read the [full bulletin](#) published on Blakes website.

BC Securities Commission Uses New Power after Woman Allegedly Skipped Out on Investigators

A Vancouver woman has been accused of skirting securities investigators and faces a first-of-its-kind hearing that could lead to prohibitions and fines. The BC Securities Commission (BCSC) alleges Rona-Joanne Galeon Rafal failed to attend an interview and produce records, when requested by staff this past February. "Rafal was served with copies of the demand and the summons, but she hasn't provided any records and didn't appear for her scheduled interview at the BCSC's offices," the commission stated Friday [April 19]. Read the *BIV* [article](#).

BCFSA to Collect Information on Defined Contribution Plans from Fundholders

On February 29, 2024, the BC Financial Services Authority ("BCFSA") released [Advisory 24-003](#). The Advisory informs administrators of defined contribution (money purchase) plans registered in British Columbia of BCFSA's intent to ask for certain information about those pension plans directly from fundholders. Recall that every pension plan in British Columbia must have a fundholder that meets the statutory requirements, with insurance companies often acting as fundholders for defined contribution pension plans. Read the [full article](#) by [Lisa Chamzuk](#), [Jessica Kim](#) and [Saheena Tegally](#) with Lawson Lundell LLP.

Matters to Consider for the 2024 Annual General Meeting and Proxy Season

Every year, reporting issuers are faced with the task of tailoring the disclosure for their annual general meeting to an ever-evolving list of changes in corporate and securities laws, updates to stock exchange rules, new guidance from proxy advisors and regulators and developing corporate governance trends. This checklist and overview of certain matters relevant to the 2024 proxy season is intended to help reporting issuers in Canada prepare for their upcoming annual meetings by identifying relevant developments in disclosure rules and governance practices over the past year. Read the [full article](#) by [Crispin J. Arthur](#), [Angela D. Austman](#), [Stuart D. Breen](#), [Jamie L. Gagner](#), [Michael Li](#), [Gillian Muirhead](#), [Narges Naseri](#), [Chat Ortved](#), [Connor Pouryektá](#), [Jacqueline Wilmott](#), [Rachelle Wong](#) with Lawson Lundell LLP.

Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

Provincial sales tax (PST)

- **May 2, 2024**
[Bulletin PST 003, Small Sellers \(PDF, 340KB\)](#), has been revised to clarify that you are not a small seller if you regularly (four or more occasions in a 12-month period) sell eligible goods, software or services, or lease goods, from established commercial premises.
[Bulletin PST 112, Logging Industry \(PDF, 390KB\)](#), has been revised to clarify that accessories, such as ready to use tire chains or slings, do not qualify as exempt parts or materials for the PM&E exemption.
Effective June 1, 2024, the City of Burnaby is increasing their Municipal and Regional District Tax (MRDT) rate to 3%. The [MRDT location map](#) will be updated June 1, 2024. For more information about MRDT, see our [Accommodation](#) page.

Motor fuel tax and carbon tax

• **April 5, 2024**

New carbon tax refund forms are now available. These forms reflect the tax rate increase effective April 1, 2024:

- [FIN 108, Application for Refund of Carbon Tax – Purchaser of Fuel \(PDF, 260KB\)](#)
- [FIN 110A, Application for Refund of Carbon Tax Greenhouse Growers – Purchaser \(PDF, 190KB\)](#)
- [FIN 110B, Application for Refund of Carbon Tax Greenhouse Growers – Seller \(Propane\) \(PDF, 200KB\)](#)
- [FIN 143, Application for Refund of Carbon Tax – Deputy Collector or Retail Dealer \(PDF, 280KB\)](#)
- [FIN 171, Application for Refund of Carbon Tax – Non-Registered Air or Marine \(PDF, 320KB\)](#)

[FIN 108, Application for Refund of Carbon Tax – Purchaser of Fuel \(PDF, 260KB\)](#) and [FIN 171, Application for Refund of Carbon Tax – Non-Registered Air or Marine \(PDF, 320KB\)](#) have also been updated to:

- Require photo ID requirements for individuals or sole proprietorships
- Require incorporation certificates for corporations not registered in B.C.
- Include information about additional documentation which may be requested when we review your claim

To file an application for refund of carbon tax or security paid prior to April 1, 2024, find the appropriate form on the [Previous versions of motor fuel tax and carbon tax forms page](#).

• **April 23, 2024**

[FIN 112, Carbon Tax Return – Self Assessors \(PDF, 250KB\)](#), has been updated to reflect the tax rate increase effective April 1, 2024.

• **April 29, 2024**

The [Carbon tax rates by fuel type](#) page has been updated to provide the current tax rates from April 1, 2024 to March 31, 2025. You can now find the past carbon tax rates from April 1, 2019 to March 31, 2024 on the [Past carbon tax rates](#) page.

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

BC Securities – Policies & Instruments

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

- [BC Notice 2024/01](#) – Fee Changes and BC Form 11-901F Securities Regulation Fee Checklist
- [41-101](#) – Adoption of Amendments and Changes to Implement an Access Model for Prospectuses of Non-Investment Fund Reporting Issuers
- [21-334](#) – Canadian Securities Administrators (CSA) Staff Notice 21-334 Next Steps to Facilitate Access to Real-Time Market Data
- [51-703](#) – "Clear and Conspicuous" Disclosure of Investor Relations Activities under Section 52(2) of the *Securities Act*, RSBC 1996, c. 418

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

Act or Regulation Affected	Effective Date	Amendment Information
Chartered Professional Accountants Act	Apr. 25/24	by 2024 Bill 9, c. 10, sections 58 to 60 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Designated Accommodation Area Tax Regulation (93/2013)	Apr. 8/24	by Reg 83/2024
Financial Administration Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 54 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Financial Institutions Act	Apr. 25/24	by 2024 Bill 9, c. 10, sections 20 to 23, 27 to 31, 33 to 38 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Income Tax Act	RETRO to various dates	by 2024 Bill 3, c. 13, sections 73 to 75, 77 to 83, 88 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 3, c. 13, sections 76, 84 to 87 and 89 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Insurance Premium Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 90 to 93 and 95 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
National Instrument 41-101 <i>General Prospectus</i>		

Requirements (59/2008)	Apr. 16/24	by Reg 70/2024
National Instrument 44-101 <i>Short Form Prospectus Distributions</i> (370/2005)	Apr. 16/24	by Reg 70/2024
National Instrument 44-102 <i>Shelf Distributions</i> (425/2000)	Apr. 16/24	by Reg 70/2024
National Instrument 44-103 <i>Post-Receipt Pricing</i> (426/2000)	Apr. 16/24	by Reg 70/2024
Provincial Sales Tax Act	RETRO to Apr. 1/13	by 2024 Bill 3, c. 13, sections 204 and 207 to 209 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 3, c. 13, sections 206, 211 to 218, 222, 224 to 226, 228 and 234 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Retention of Commercial Vehicle Licence Fees Regulation (259/2023)	NEW Apr. 1/24	see Reg 259/2023
Securities Regulation (196/97)	Apr. 8/24	by Reg 84/2024
Special Accounts Appropriation and Control Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 166 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
	RETRO to Apr. 1/24	by 2024 Bill 3, c. 13, section 2 only (in force by Royal Assent), Budget Measures Implementation Act, 2024



ENERGY & MINES

Energy and Mines News:

Proposed Changes to *Clean Energy Act* and *Utilities Commission Act*

Bill 24, the [Energy Statutes Amendment Act, 2024](#), was introduced on April 11. The Bill proposes amendments to two Acts. Changes to the [Clean Energy Act](#) would repeal provisions used to create the Standing Offer Program, which was suspended by the Province in 2019 as part of Phase 1 of the BC Hydro Comprehensive Review intended to reduce BC Hydro's energy procurement costs.

In December 2022, the Province directed the BC Utilities Commission to temporarily suspend new electricity connections for cryptocurrency mining. The proposed amendments to the [Utilities Commission Act](#) would allow the creation of more permanent regulations with respect to public utilities providing electricity service to cryptocurrency miners, such as prohibiting, restricting or regulating service for cryptocurrency mining projects.

Budget 2024 – Federal Indigenous Loan Guarantee Program [Natural Resource & Energy Projects]

On April 16, 2024 the Government of Canada tabled [Budget 2024: Fairness to Every Generation](#). In Chapter 6 of its Budget 2024 entitled "A Fair Future for Indigenous Peoples", the federal government unveiled a basic framework for a Federal Indigenous Loan Guarantee Program (the "FILGP"). Aimed at enabling Indigenous communities to have greater access to affordable capital to assist in unlocking opportunities for equity ownership in natural resource and energy projects, the federal government provided Canadians with a first glimpse of the FILGP in the [Fall Economic Strategy](#) issued on November 21, 2023. Read the [full article](#) by [Lynn Parsons](#), [Stephen Furlan](#), [Richard O'Doherty](#), [Jacob Stone](#) and [Dustin Seguin](#) with McCarthy Tétrault LLP.

BC Hydro 2024 Call to Power – Overview of Request for Proposal Documents

On June 15, 2023, the Government of British Columbia announced BC Hydro was proceeding with [a call for new sources](#) (the Call to Power) of 100 percent clean, renewable emission-free electricity from large-scale projects, notably including wind and solar. As part of phase two of BC Hydro's engagement process, on January 8, 2024, BC Hydro issued a draft Request for Proposals (RFP). Organizations within the independent power industry, First Nations and stakeholders were invited to provide feedback on the draft RFP, and the resulting draft specimen Electricity Purchase Agreement (EPA).

On April 3, 2024, BC Hydro released the final version of the RFP incorporating feedback from the engagement process. The final RFP reemphasized the First Nations requirements and clarified other aspects as outlined below. This RFP is intended to be the first of many BC Hydro will issue in pursuit of the provincial climate targets. Read the [full article](#) by [David Bursey](#), [Sharon Singh](#), [Jason](#)

[Roth](#), [Jessica Kennedy](#), [Martin Ignasiak](#), [David Little](#) and Madison Bergen with Bennett Jones LLP.

Failure to Clean Up B.C. Oil Wells Nets Company \$45k Fine

An Alberta-based oil company has been fined \$45,000 for failing to decommission two wells in British Columbia.

In its [decision](#), handed down April 16, 2024, the BC Energy Regulator (BCER) cited Procyon Energy Corp. for failing to shut down two wells it was supposed to decommission by the end of 2021.

The company did not take all reasonable steps to prevent a contravention and had "no meaningful plan" to address the two sites, wrote BCER's executive director of compliance and enforcement Dax Bourke. The company was found to have "derived some economic benefit" for shirking its regulatory obligations.

Plugging oil and gas wells protects water both above and below ground. Unplugged, the wells are a significant source of greenhouse gasses. The largely methane-based gasses are 80 times more potent than carbon dioxide over the first 20 years they are released into the atmosphere. Read the [BIV article](#).

Green Lights for Clean Energy: Federal Budget 2024 Updates on Nuclear

The recently-announced federal [Budget 2024](#) contained good news for nuclear energy in Canada. The most significant measures for nuclear are being implemented to advance the federal government's commitment to the principle of "one project, one review" for major project approval processes. Budget 2024 specifically set a new three-year target for nuclear project reviews, which will be achieved by working with the Canadian Nuclear Safety Commission and the Impact Assessment Agency of Canada to streamline the approval process and reduce duplication between the two agencies. Many large nuclear project reviews will be governed by the revised [Impact Assessment Act](#), and according to the statements in Budget 2024, the federal government's amendments to the Act are intended to facilitate efficient project reviews.

Budget 2024 reiterates the federal government's [previous commitments](#) to invest in small modular reactors (SMRs) as a clean energy technology. Read the [full article](#) by [Audrey Bouffard-Nesbitt](#), [Stephen Furlan](#), [Kaelyn Macaulay](#), [Gaetan Thomas](#) and [Wayne Wouters](#) with McCarthy Tétrault LLP.

Yukon Court of Appeal Finds That Assessment of Mining Project Did Not Discharge the Duty to Consult

On April 9, 2024, the Yukon Court of Appeal issued its decision in *First Nation of Na-Cho Nyäk Dun v. Yukon (Government of)*, [2024 YKCA 5](#). This decision relates to a mineral exploration project (the "Project") located entirely in the traditional territory of the First Nation of Na-Cho Nyäk Dun ("FNNND"), specifically the Tsé Tagé (or Beaver River) watershed area.

In 2021, the Project was issued a decision document (the "Decision") after being assessed under the *Yukon Environmental and Socio-economic Assessment Act*, S.C. 2003, c. 7 ("YESAA"). The Decision allowed the Project to move from the assessment stage to the regulatory authorization and permitting phase. Read the [full article](#) by [Kevin O'Callaghan](#), [Kerry Kaukinen](#) and [Samuel Geisterfer](#) with Fasken Martineau DuMoulin LLP.

Car and Battery Makers are Getting Closer to the Mining Business

Car makers and electric vehicle battery makers (often referred to as "OEMs," or original equipment manufacturers) are increasingly moving upstream in the global metals supply chain to secure units of critical minerals. OEMs do this by entering into direct mineral offtake agreements with mining companies, investing directly in mining projects, and entering into joint ventures with mining companies. This is especially a trend for securing raw materials for lithium-ion batteries. Through their upstream deals, OEMs are getting ever closer to the business of mining.

This is a notable trend because resource extraction is not a core competency of OEMs. In the past, OEMs generally contented themselves with purchasing processed materials and parts from suppliers and showed no interest in purchasing unprocessed or semi-processed raw materials or in investing in the mining business. But in the face of predictions about mineral scarcity, and in a world of geopolitical rivalry over critical minerals, automakers and battery makers are not taking chances on supply availability, and they are moving to lock up sources of these vital raw materials for themselves. Read the [full article](#) by [Shawn Doyle](#) and [Sarah Xu](#) with McCarthy Tétrault LLP.

BC Energy Regulator Announcements

There were no BC Energy Regulator announcements in April. Visit the BC-ER [website](#) for more information.

Updates to Natural Resource Taxes

The following updates to natural resource taxes were recently posted:

Mining taxes

- **April 16, 2024**
Interest rates have been updated for [mineral tax](#), [mineral land tax](#), and [mine and inspection fee](#).

Royalty transition 2022–2024

- **April 5, 2024**
The [B.C. oil and natural gas royalty transition](#) pages have been updated to clarify that oil wells are not impacted during the transition and remain under the existing royalty system. This includes updates to the following pages:
 - [Royalty transition impact on existing wells and new oil wells](#)
 - [Royalty transition impact on new gas wells](#)

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

Act or Regulation Affected	Effective Date	Amendment Information
Coast Mountain Hydro Exemption Regulation (72/2024)	NEW Apr. 2/24	see Reg 72/2024
Energy Resource Activities Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 185 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Greenhouse Gas Reduction (Clean Energy) Regulation (102/2012)	Apr. 8/24	by Reg 80/2023



FAMILY & CHILDREN

Family and Children News:

Amendments for Indigenous Jurisdiction in Child and Family Services

Bill 19, the [Children and Family Development Statutes Amendment Act, 2024](#), came into force on April 25. Amendments to the [Adoption Act](#) and [Child, Family and Community Service Act](#) in the Bill expand the scope of the joint and consent-based decision-making with First Nations that were first introduced in [2022 Bill 38](#). In addition, the amendments allow Indigenous Governing Bodies to refer to the Provincial Court to resolve disputes under Indigenous child and family services laws.

BC Court of Appeal Clarifies How Family Violence Impacts the Best Interests of the Child

If you are separating or divorcing from a partner that you share children with, you may be wondering how a court determines where your children will live and how you and your former partner will divide parenting time.

In the recent case of *K.M.N. v. S.Z.M.*, [2024 BCCA 70](#), the BC Court of Appeal allowed an appeal by a mother because the trial judge failed to conduct a proper analysis of the allegations of family violence by the father.

This new judgement clarifies that it is not sufficient to limit the best interests of the child analysis to evidence of violence specifically directed towards the child. Courts must consider the effect of the child's exposure to violence toward any family member. Read the [full article](#) by [Chantal M. Cattermole](#) and [Emily Davies](#) with Clark Wilson LLP.

BC Supreme Court Clarifies When Spousal and Child Support Obligations Should End

In a recent ruling, the BC Supreme Court clarified when spousal and child support obligations should end.

In *Johnson v Obert*, [2024 BCSC 577](#), Paul Obert and Karen Johnson, who began living together in September 1995 and separated in February 2007 after over 11 years, have faced long-standing disputes over support payments. In a 2016 judgment, the court set Obert's annual income at \$110,000, ordering him to pay escalating monthly spousal and fixed child support. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer* magazine.

Judge Orders Shared Custody of Pet Dog Under New B.C. Law

Recent changes to B.C. legislation mean pets no longer treated as mere property in custody disputes

A golden retriever named Stella is now part of legal history in B.C. after an upper court decision based on new laws that recognize pets as family members, not just property.

The ruling is the first of its kind and stems from a claim filed in B.C. Supreme Court in New Westminster by a woman seeking to have exclusive care of the dog after she and her boyfriend broke up last year.

But in his reasons for judgment, Associate Judge Scott Nielsen ordered that custody of Stella be split evenly on a week on/week off basis. Read the [CBC article](#).

BC Supreme Court Orders Father to Pay Fines for Continuous Breaches of Conduct and Parenting Orders

The BC Supreme Court [has ordered](#) the father to pay \$200,000 in fines for his continuous breaches of conduct and parenting orders, alongside special costs due to his litigation conduct in a family matter.

The case, marked by a series of non-compliances by the father, stemmed from a long-standing dispute following the couple's separation in March 2019. Despite multiple court orders to regulate the father's behaviour and interactions with his children and the mother, breaches continued unabated. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Youth in Custody at Risk Due to Ministry Inaction

The BC Ombudsperson has identified a serious lack of progress by the Ministry of Children and Family Development on a 2021 Ombudsperson report with troubling findings about separate confinement of youth in custody centres.

"The ministry's inaction continues to expose vulnerable youth in its care to the risk of significant harm from separate confinement, especially Indigenous youth," said Ombudsperson Jay Chalke. "The ministry must do better. MCFD's failure to recognize the urgency of making these matters a priority is unacceptable and damaging to public trust."

The 2021 report, [Alone: The Prolonged and Repeated Isolation of Youth in Custody](#), examined instances of separate confinement in youth custody between 2017-2019, the longest of which were for 31, 41 and 47 consecutive days. One youth was separately confined for 78 days in an 81-day period. Read the [update report](#) from the Office of the Ombudsperson.

Act or Regulation Affected	Effective Date	Amendment Information
Adoption Act	Apr. 25/24	by 2024 Bill 19, c. 15, sections 1 to 4 only (in force by Royal Assent), Children and Family Development Statutes Amendment Act, 2024
Child, Family and Community Service Act	Apr. 4/24	by 2023 Bill 24, c. 16, sections 1 to 6 only (in force by Reg. 76/2024), Miscellaneous Statutes Amendment Act (No. 2), 2023
	Apr. 25/24	by 2024 Bill 19, c. 15, sections 5 to 9 only (in force by Royal Assent), Children and Family Development Statutes Amendment Act, 2024
Child, Family & Community Service Regulation (527/95)	Apr. 4/24	by Reg. 76/2024



FOREST & ENVIRONMENT

Forest and Environment News:

The "Obligation" to Issue Cutting Permits under Bill 41

The definition of "cutting permit" currently in the [Forest Act](#) provides an illustration of how the right to harvest timber on Crown lands is a mix of public regulatory law and private contract law. Of course, timber harvesting on Crown lands is subject to extensive public regulation, but the right to harvest any particular timber is actually granted in accordance with a forest tenure "agreement" (such as a forest license or various other "agreements" contemplated in the *Forest Act*). While the content of these agreements must comply with requirements prescribed in the *Forest Act*, they are still "agreements" executed by two "parties" (the Crown and a licensee) that result in the formation of private contractual rights and obligations as between the parties that are civilly enforceable in our courts (as with any other contractual "agreement").

Currently, an important condition required in the vast majority of "agreements" under the *Forest Act* (other than BCTS TSLs and other minor forms of tenure) is that the agreement "must provide for cutting permits... to authorize its holder to harvest the allowable annual cut." Pursuant to this requirement, forest tenure agreements provide that so long as conditions specified in the forest tenure agreement are satisfied, the district manager "must" issue a cutting permit. If the specified conditions are satisfied but the district manager does not issue a cutting permit, the Crown is then exposed to legal liability for breach of contract. Read the [full article](#) by [Jeff Waatainen](#) in the Spring 2024 issue of the *BC Forest Professional*.

Proposed Amendments to the *Impact Assessment Act* in the *Budget Implementation Act 2024*

The federal Finance Minister has filed a Notice of Ways and Means to introduce a Bill entitled *An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024*, or [Budget Implementation Act, 2024, No. 1](#). Of the many proposals included within this Bill are the anticipated amendments to the [Impact Assessment Act](#) SC 2019 c. 28 (the Act) following last October's ruling by the Supreme Court of Canada in *Reference re Impact Assessment Act*, [2023 SCC 23](#), which concluded that certain provisions of the Act were unconstitutional as they exceeded federal jurisdiction.

This reference decision was one of the rare instances where federal paramountcy on environmental issues was not reaffirmed, and contrasts with other recent decisions such as the *References re Greenhouse Gas Pollution Price Act* [2021 SCC 11](#). Read the [full article](#) by [Claire R. Durocher](#) and [Chloé Benoit-Proulx](#) with Borden Ladner Gervais LLP.

Wildfire-Damaged Wood Recovery Underway in B.C. [Interior Appraisal Manual]

In a move to increase the use of wildfire-damaged timber and support land recovery, the Province has introduced new measures to streamline the salvage process, making it easier for the forestry sector to recover and repurpose damaged wood and regenerate the forests.

"Wildfires are increasingly having devastating impacts on our communities and economies," said Andrew Mercier, Minister of State for Sustainable Forestry Innovation. "During my visits in forestry communities throughout the province, speeding up salvage is something I've been hearing a lot from people. Making the salvage of fire-damaged wood faster, easier and more economic means

more forestry operations can access fire-damaged wood, supporting forestry-dependent regions and forestry workers.”

Changes to the [Interior Appraisal Manual](#), effective April 1, 2024, have increased flexibility and established pricing policy for forestry operations and First Nations wanting to salvage wildfire-damaged timber in B.C. Salvage allows for quicker reforestation efforts and land recovery after wildfires. Read the government [news release](#).

Canada Publishes Notice for the Reporting of Plastic

The Government of Canada recently announced what it characterizes as comprehensive measures to reduce plastic pollution in efforts to move toward a circular economy and zero plastic waste by 2030 in accordance with the [Canada-wide Action Plan on Zero Plastic Waste](#) (Plan).

The Plan includes the establishment of a [Federal Plastics Registry](#) (Registry), which will require companies (including resin manufacturers, service providers and producers of plastic products) to report annually on the quantity and types of plastic manufactured, imported and placed on the Canadian market. The Registry has broad implications as mandatory reporting requirements are introduced for generators of packaging and plastic waste at industrial, commercial and institutional premises. Read the [full article](#) by [Lana Finney](#), [Charles Kazaz](#), [Jonathan W. Kahn](#) and Humna Wasim with Blakes.

New MO Under GAR

A new [Ministerial Order M84](#) establishes a new scenic area and visual quality objective within tree farm licence 47, as shown in Schedule A of the Order, dated March 28, 2024.

Draft Coastal Marine Strategy Released

The Province has released a draft of its Coastal Marine Strategy for review. The strategy follows public engagement on a Policy [Intentions Paper](#) co-developed with coastal First Nations and aims to provide a long-term vision for stewardship of BC's coastal marine environment.

The draft strategy has been emailed to coastal Regional Districts, along with a summary of local government feedback provided on the Intentions Paper. Any coastal local government interested in reviewing the strategy and providing feedback on proposed themes, goals, actions, and activities is encouraged to contact the [Province](#) for more information. The deadline to submit feedback is May 9, 2024.

Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

[Environmental Management Act](#)

- [Revolution Organics Limited Partnership \(now Good Guys Recycling Inc.\) v. Director, Environmental Management Act](#) [Summary Dismissal Decision – Appeals Dismissed]

[Mines Act](#)

- [Ernest Hatzl v. Brian Oke, Chief Inspector of Mines](#) [Final Decision – Appeal Dismissed]

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

Forest Appeals Commission Decisions

There were no Forest Appeals Commission decisions in April. Visit the Forest Appeals Commission [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information
Administrative Orders and Remedies Regulation (101/2005)	Apr. 1/24	by Reg 62/2024
Advertising, Deposits, Disposition and Extension Regulation (55/2006)	Apr. 1/24	by Reg 62/2024
Allowable Annual Cut Partition Regulation (32/2011)	Apr. 1/24	by Reg 62/2024
Angling and Scientific Collection Regulation (125/90)	Apr. 1/24	by Reg 72/2023
Annual Rent Regulation (122/2003)	Apr. 1/24	by Reg 62/2024
BC Timber Sales Account Regulation (9/2014)	Apr. 1/24	by Reg 62/2024
Carbon Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 26, 27, 30, 33 to 35, 37 and 38 only (in force by Royal Assent), Budget Measures Implementation Act, 2024

Quickscribe Reporter

Carbon Tax Regulation (125/2008)	Apr. 1/24	by Reg 60/2024
Commercial Transport Fees Regulation (328/91)	Apr. 1/24	by Reg 8/2024
Cut Control Regulation (578/2004)	Apr. 1/24	by Reg 62/2024
Cutting Permit Postponement Regulation (284/2007)	Apr. 1/24	by Reg 62/2024
Deletions and Expropriations (for Parks, Conservancies and Recreation Areas) Regulation (156/2023)	Apr. 1/24	by Reg 62/2024
Effective Director Regulation (243/94)	Apr. 1/24	by Reg 62/2024
Environmental Management Act	Apr. 25/24	by 2024 Bill 9, c. 10, section 43 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Forest Act	Apr. 1/24	by 2023 Bill 41, c. 43, sections 1 to 9, 11, 12, 14 to 17, 20, 22 to 25, 27 to 39, 41 to 48, 50, 51, 53 to 62, 64, 66 to 76, 79, 80, 82, 84, 85 and 89 to 118 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Forest and Range Practices Act	Apr. 1/24	by 2019 Bill 21, c. 35, sections 10 and 43 only (in force by Reg 163/2023 , amended by Reg 62/2024), Forest and Range Practices Amendment Act, 2019
		by 2021 Bill 23, c. 37, section 76 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2021 , amended by 2023 Bill 14, c. 10, section 286 (in force by Royal Assent), Miscellaneous Statutes (Modernization) Amendment Act, 2023
		by 2023 Bill 41, c. 43, sections 119 to 125, 127, 129 to 132, 134, 135, 139 to 141, 143, 145, 147, 149, 151 to 153, 155, 156 and 158 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Forest Licence Regulation (203/2012)	Apr. 1/24	by Reg 62/2024
Forest Planning and Practices Regulation (14/2004)	Apr. 1/24	by Reg 163/2023 and Reg 62/2024
Forest Practices Code of British Columbia Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 160 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Fort St. John Pilot Project Regulation	Apr. 1/24	by Reg 62/2024
Great Bear Rainforest (Forest Management) Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 162 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Innovative Forestry Practices Regulation (197/97)	REPEALED Apr. 1/24	by Reg 62/2024
Logging Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 110 to 112 and 114 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Mineral Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 125 to 127 and 129 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Performance Based Harvesting Regulation (175/96)	REPEALED Apr. 1/24	by Reg 62/2024

Private Managed Forest Land Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 169 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Protected Areas of British Columbia Act	Apr. 25/24	by 2024 Bill 9, c. 10, sections 13 to 15, 17 and 18 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Provincial Forest Use Regulation (176/95)	Apr. 1/24	by Reg 62/2024
Range Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 163 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Reductions for First Nation Purpose or BCTS Licence Purpose Regulation (155/2023)	Apr. 1/24	by Reg 62/2024
Refusal of Cutting Permit or Road Permit Regulation (252/2018)	Apr. 1/24	by Reg 62/2024
Special Accounts Appropriation and Control Act	Apr. 1/24	by 2023 Bill 41, c. 43, section 166 only (in force by Reg 62/2024), Forests Statutes Amendment Act, 2023
Special Purpose Areas Regulation (153/2023)	Apr. 1/24	by Reg 62/2024
Spongy Moth Eradication Regulation (100/2022)	Apr. 8/24	by Reg 82/2024
Stillwater Pilot Project Regulation (96/2001)	Apr. 1/24	by Reg 62/2024
Timber Marking and Transportation Regulation (253/97)	Apr. 1/24	by Reg 62/2024
Tree Farm Licence Area-Based Allowable Annual Cut Trial Program Regulation (482/2004)	REPEALED Apr. 1/24	by Reg 62/2024
Waste Assessment Regulation (262/2019)	Apr. 1/24	by Reg 62/2024
Wildfire Regulation (38/2005)	Apr. 1/24	by Reg 62/2024
Woodlot Licence Planning and Practices Regulation (21/2004)	Apr. 1/24	by Reg 62/2024

 **HEALTH**

Health News:

Canada's Dental Care Plan Begins Today [May 1st]. Here's What You Need to Know

The Canadian Dental Care Plan (CDCP) begins covering 1.9 million seniors today – but many patients may have to wait a while to get their dental visits covered. Beginning May 1, coverage began for seniors 70 years and older. Those aged 65 to 69 can also now [apply for the program online](#). The massive public oral health-care insurance program will eventually cover one quarter of Canadian residents who don't have private dental plans, at a cost of \$13 billion over the next five years. [Ottawa is rolling out eligibility gradually](#), starting with seniors. Read the full CBC [article](#).

Legislation that Would Limit Decriminalization Subject to Interim Injunction

The British Columbia Supreme Court's recent decision in *Harm Reduction Nurses Assn. v. British Columbia (Attorney General)*, [2023 BCSC 2290](#) ("Harm Reduction Nurses") is a significant development in the law surrounding decriminalization of certain prohibited substances in British Columbia. The Harm Reduction Nurses Association (the "Association") applied to the Supreme Court of British Columbia to temporarily suspend the effect of the [Restricting Public Consumption of Illegal Substances Act](#), which would restrict the consumption of decriminalized substances in certain areas, and authorize police officers to respond to violations of the Act. The British Columbia Supreme Court granted the interim injunction, finding that the Association's arguments under [section 7 of the Canadian Charter of Rights and Freedoms](#) (the "Charter") presented a serious question to be tried, that it was highly probable that irreparable harm would occur to the Association and to people who use drugs ("PWUD") without the injunction, and that the

balance of convenience favoured granting the injunction. Read the [full article](#) by James Barth in the March 2024 issue of the Young Anderson Barristers & Solicitors Newsletter.

Safe Food for Canadians Act and Regulations – Under Review

The Minister of Agriculture and Agri-Food and the Minister of Health recently [announced](#) the launch of a five-year review (Review) of the [Safe Food for Canadians Act](#) (SFCA) and the [Safe Food for Canadians Regulations](#) (SFCR), which came fully into force on January 15, 2019. The SFCA covers a broad range of aspects relating to food and beverage safety, including grade standards, labeling and advertising, import/export and inter-provincial trade, inspection and licencing requirements for specific activities. The Review is mandated under Section 68 of the SFCA and will examine the provisions and past five years of operation of the SFCA and SFCR to determine if the legislative framework meets its objectives and if not, to assess what improvements or changes may be required. Read the [full article](#) by Julia Schatz, Jessica Horwitz and Claire Lingley with Bennett Jones LLP.

‘Maybe Things Would Be Different’: BC United Calls for Mental Health Act Changes

BC United is introducing a new piece of legislation to improve communication between families whose loved ones are experiencing a mental health crisis and their health-care professionals. The [Mental Health Amendment Act](#) would require health-care teams to consult with families when certifying a patient under the [Mental Health Act](#) and inform them before their patient is discharged. Families who have lost a loved one inspired the legislation. Read the [Global News article](#).

BC Government Putting Public-harms Legislation on Hold

The BC government announced Tuesday morning [April 23] it will put its controversial public-harms legislation on hold as it's working with tech giants to discuss the next steps. The provincial government's recent introduction of [Bill 12](#), the *Public Health Accountability and Cost Recovery Act*, has raised concerns and opposition from the BC business community. If passed, Bill 12 grants the government authority to sue businesses that knowingly market, manufacture or sell products, services or by-products that are harmful to public health. The bill enables the province to recover associated costs incurred by the health-care system. Read the BIV [article](#).

MAID in Canada

“MAID in Canada” arrives as part of [CLEBC Online Course Materials](#), and it was presented by Stacie Ayukawa, BA, MA, MTI® of [Heritage Law & Heritage Trust](#) at our course Advanced Wills and Estates for Paralegals. This article explores the evolution of Medical Assistance in Dying (MAID) in Canada, focusing on the legal and ethical aspects following the landmark case of *Carter v Canada*. It discusses the legalization of MAID, emphasizing respect for individual autonomy and dignity in end-of-life decisions. Read the [full article](#) by Stacie Ayukawa with the Continuing Legal Education Society of British Columbia.

Doctors of BC, along with the CMA, Urges the Federal Government to Reconsider Its Position on Increasing Capital Gains

from Doctors of BC:

When the federal government released the 2024 budget on April 16, it included an increase to the capital gains inclusion rate from 50% to 66.7% for corporations and trusts, and for individuals the capital gains would increase from 50% to 66.7% on the amount above \$250,000. Government's reasoning is to improve the tax system by trying to ensure all types of income are taxed similarly, as well as creating a way to make the wealthy pay more to support things like housing and health care for all Canadians. The problem with this proposal is that incorporated physicians who are in the middle, such as community doctors who are already struggling to pay their office staff, office lease and utilities, insurance premiums, etc., will be adversely affected when this takes effect in June 2024. They are not the federal government's target demographic, but they are the ones paying the price. Read the Doctors of BC [article](#).

BC to Provide \$155.7M to Recruit and Retain Specialized Health Workers

The British Columbia government is spending more money to recruit and retain health-science workers, while expanding an incentive program to dozens more rural communities. Health Minister Adrian Dix says \$155.7 million has been set aside at a time when B.C. has a "significantly increasing population" and more skilled health-care staff are needed, particularly in remote communities. There are dozens of health occupations that will benefit from the funding, including audiologists, dietitians, lab technologists and radiation therapists. Dix says \$73.1 million will go toward keeping health and clinical support workers in rural areas and giving signing bonuses for those who fill high-priority health vacancies, while another \$60 million will be set aside for professional development supports and mental health and wellness services for workers. Read the BIV [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Drug Plans Regulation (73/2015)	Apr. 4/24	by Reg 77/2024
Hospital District Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 62 and 69 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Psychologists Regulation (289/2008)	May 1/24	by Reg 204/2022



Labour and Employment News:

What Employers Should Know About Recent Changes to Student Work Visas in Canada

On April 29, 2024, Immigration Minister Marc Miller announced that the temporary public policy which allowed eligible students to work more than 20 hours per week ended on April 30, 2024. The allowable hours which full-time students can work per week off campus are now 20 hours. However, starting in the Fall of 2024, the allowable hours full-time students can work per week will increase to 24 hours. Because the changes came into effect in the middle of the week, IRCC has confirmed that for the week students can work up to 20 hours between May 1, 2024 to May 3, 2024. The hours worked on April 29 and April 30, 2024 would not count towards the 20 hours allowed.

This article outlines the temporary rules that were in place and what employers should expect in the coming year. Read the [full article](#) by [Correna Jones](#) and Julia Chun with DLA Piper.

Province Confirms Minimum Wage Increases for 2024

An order in council has confirmed upcoming increases to British Columbia's minimum wage rate this year, according to the provincial government.

On June 1, 2024, B.C.'s general minimum wage will increase by 3.9 per cent, from \$16.75 to \$17.40 per hour. The increase is consistent with B.C.'s average rate of inflation in 2023. The alternate minimum rates for residential caretakers, live-in home-support workers and camp leaders will also receive the same 3.9 per cent increase on June 1. Read the [full article](#) by [Jim Wilson](#) in the *Canadian HRReporter*.

Labour Minister Announces Inquiry into Costly 2023 Port Strike in B.C.

Federal Labour Minister Seamus O'Regan says he has appointed an Industrial Inquiry Commission to dig deeper into the underlying causes of B.C.'s port strike last summer.

The federal government says in a statement the port strike was a single labour dispute that caused a major "economic disruption" as longshore workers walked picket lines for just under two weeks last July.

O'Regan says the commission will be headed by veteran mediator Vince Ready, who was tapped during the strike to mediate a deal between the International Longshore and Warehouse Union and the BC Maritime Employers Association. Read the *BIV* [article](#).

Human Rights Risks: Can an Employer Terminate an Employee on Leave?

Can an employer terminate an employee who is on sick leave? This is a question many employers have been grappling with lately and frustratingly the answer is usually not straight forward. A recent case from the BC Human Rights Tribunal would seem to indicate that employers are able to terminate employees on sick leave without the risk of a successful discrimination complaint. However, despite the outcome of this specific case, employers should still consider the surrounding circumstances; weigh the risks; seek legal advice; and proceed with caution regarding such terminations. Read the [full article](#) from Clark Wilson LLP.

Budget 2024 Proposes Right to Disconnect for Workers

The federal government is looking to establish the legal right for workers to disconnect from work under Budget 2024.

The government is proposing to amend the [Canada Labour Code](#) (CLC) to require employers in federally regulated sectors to establish a right to disconnect policy that would limit work-related communication outside of scheduled working hours. Read the [full article](#) by [Jim Wilson](#) in the *Canadian HRReporter*.

Confirmed: Ottawa Provides Details on Mandating Workers Back in Office 3 Days/Week

The federal government is officially calling public service workers back to the office at least three times in a week, starting in the fall.

Ottawa has released a [Direction on prescribed presence in the workplace](#) document, stating that deputy heads must implement a minimum requirement of three days per week in the workplace for all public servants. Read the [full article](#) by [Jim Wilson](#) in the *Canadian HRReporter*.

Workplace Investigations Conference (May 30-31) TRU

[Thompson Rivers University](#), [Fulton & Company LLP](#), and the [Association of Workplace Investigators](#) proudly present a two-day "Workplace Investigations in Canada: Current Issues and Future Directions" conference on current issues and future directions in workplace investigations in Canada.

Taking place over May 30-31, 2024, at [Thompson Rivers University Faculty of Law](#)'s award-winning facility, this event brings together employers, practitioners, employment lawyers, government officials, academics, human resource professionals, and others who are interested in the practice and theory of workplace investigations, providing a unique opportunity to share and gather insights, while networking with other stakeholders.

"In recent years, workplace investigations have become a major tool of employment law and regulation," says Matt Malone, [TRU law faculty member](#) and author of [We Have Received a Complaint: The Fraught World of Workplace Justice](#).

[Register or learn more here.](#)

Act or Regulation Affected	Effective Date	Amendment Information
Employer Health Tax Act	RETRO to Jan. 1/24	by 2024 Bill 3, c. 13, sections 42 to 46 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 3, c. 13, sections 47 to 49, 51 and 52 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Employment Standards Act	Apr. 22/24	by 2024 Bill 2, c. 2, sections 1 to 4 only (in force by Reg 87/2024), Employment Standards Amendment Act, 2024
Employment Standards Regulation (396/95)	Apr. 22/24	by Reg 87/2024
Labour Relations Code	Apr. 25/24	by 2024 Bill 9, c. 10, section 57 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Social Services Employers Regulation	Apr. 22/24	by Reg 89/2024



LOCAL GOVERNMENT

Local Government News:

Short-Term Rental Principal Residence Requirement – Now in Force (May 1st)

On May 1, 2024, the principal residence requirement in the [Short-Term Rental Accommodations Act](#) came into force. This means that effective May 1st, [short-term rental](#) accommodation services may be offered only in a host's principal residence or, in some circumstances, one [secondary suite](#) or other [accessory dwelling unit](#). Some communities have opted out of the [principal residence](#) requirement if they have:

- a population over 10,000 in the 2021 Census and a rental vacancy rate of 3% or more for each of the two previous years, or
- a population less than 10,000 in 2021, but are within 15 km of a municipality that meets the first criteria.

Some communities that are already exempt from this requirement may be able to opt in, as specified in the [Short-Term Rental Accommodations Regulations](#). The request to opt in must have been submitted by March 31, 2024 and will take effect November 1, 2024. Some types of accommodation service providers that are exempt from the new legislation can be found [here](#). For more information on the principal residence requirements, including a list of the communities where these requirements apply, visit the [Ministry of Housing website](#).

Bill 16 - Housing Statutes Amendment Act – Now in Force

On April 25th, the BC government passed [Bill 16](#), the Housing Statutes Amendment Act, 2024, which supports the recent legislative changes intended to increase the supply of housing in BC. According to the government, this bill presents the second phase of this work by providing governments with new authorities that will allow them to continue to secure important outcomes outside of rezonings, increasing transparency and certainty in the development approval process. Some of the changes include:

1. Establishing a new authority for inclusionary zoning that will let local governments require affordable housing and new developments, subject to appropriate financial analysis, consultation and guardrails to ensure homes get built.
2. Providing municipalities with clear authorities to protect tenants who are evicted as a result of redevelopment, including financial assistance or help finding alternate housing.
3. Expanding local government authorities to secure important site-level infrastructure like wider sidewalks, protected bike lanes and other infrastructure that is important to building complete communities.
4. Establishing a density bonus framework to parallel the inclusionary zoning, with similar requirements for financial analysis, consultation and reporting.

UBCM has published an [analysis](#) of the proposed changes for local governments.

The Requirement for Reasonableness in Rezoning Decisions: Lessons for Local Governments and Builders in Fergus Creek Homes Ltd. v. City of Surrey

Land developers and builders will be familiar with the decision-making powers over land use that are conferred to British Columbia local governments under the [Local Government Act](#) as well as the required approvals that are needed from these public bodies where a proposed land development project requires an amendment to the official community plan or a rezoning of the lands prior

to proceeding with the project. The recent decision of *Fergus Creek Homes Ltd. v. Surrey* [2024 BCSC 207](#) provides a recent example of how a judicial review can be used by land developers to challenge local government decisions over land use. Read the [full article](#) by David Giroday with Civic Legal.

Canada's Housing Plan 2024

The federal government has released a [new housing plan](#) as part of the 2024 budget. The plan is organized into three parts focused on building more housing, making it easier to rent or buy a home, and helping people who can't afford housing. Here are some of the highlights in the three categories: Building Housing:

- A new \$6-billion Canada Housing Infrastructure Fund, available to municipalities, provinces and territories to upgrade infrastructure necessary to support more homes
- Attaching housing conditions for communities to access public transit funding
- Launching Canada Builds, which will make the Apartment Construction Loan Program available to provinces and territories that launch housing plans such as BC Builds.
- A public lands program to make more land available for housing

Renting and owning:

- A new \$15-million Tenant Protection Fund
- A new Canadian Renters' Bill of Rights, in partnership with provinces and territories.
- Allowing 30-year mortgage amortizations for first-time home buyers purchasing newly built homes
- Funding to help municipalities enforce regulations limiting short-term rental

Addressing homelessness:

- Adding \$1 billion for the Affordable Housing Fund and making it easier to use
- Launching a \$1.5-billion Canada Rental Protection Fund
- More funding for the Reaching Home program, a community-based program aimed at preventing and reducing homelessness
- Funding to address encampments, which will be cost matched by provinces and territories

UBCM has an [overview and analysis](#) of the plan from a BC local government perspective.

Emergency And Disaster Management Act Update

On November 8, 2023, the new [Emergency and Disaster Management Act](#) ("EDMA") came into force, replacing the [Emergency Program Act](#). EDMA is significant in two respects. First, it formally adopts a four-stage disaster management cycle (mitigation, preparation, response, and recovery), with different obligations, responsibilities, and powers for local governments (or "local authorities", as they are referred to in the legislation) and other stakeholders at each stage. Second, EDMA is a major step towards implementing the [Declaration of the Rights of Indigenous Peoples Act](#) for the provincial government. Among their obligations and responsibilities at the various stages of disaster management, local authorities are expected and required to consult and cooperate with Indigenous governing bodies within their borders, incorporate Indigenous knowledge, and obtain the consent of Indigenous governing bodies in some circumstances. Read the [full article](#) by Nate Ruston in the March 2024 issue of the Young Anderson Barristers & Solicitors Newsletter.

Invitation: Advisory Committee on Emergency Management Regulations

UBCM and the Ministry of Emergency Management and Climate Readiness (EMCR) have established the Local Government Advisory Committee on EDMA Regulations to inform the development of regulations associated with the new [Emergency and Disaster Management Act](#). Local government elected officials and staff members interested in participating have until May 17, 2024, to apply. Read the UBCM [article](#).

More Priority Communities Selected to Deliver More Homes

As part of the Province's commitment to build more homes for people, the next set of priority communities has been identified to receive housing targets for the next five years. These communities are in high-growth, high-need regions of BC, where many communities are taking action to deliver more homes quicker. "We are addressing the housing crisis with our municipal partners so thousands more affordable homes can be built for people who need them," said Ravi Kahlon, Minister of Housing. "Our goal for the next 20 communities is to build on the work they are already doing, while they continue to implement the recent provincial legislative changes. This group includes communities that are doing well on housing and some that need to do more." The Province introduced the [Housing Supply Act](#) in 2023 and established housing targets for the first 10 priority municipalities, based on areas of greatest need and highest projected growth. Twenty additional priority municipalities have been identified. The Province will work with these communities to ensure they meet their housing targets, laying the foundation for tens of thousands more homes to be built quicker. Read the government [news release](#).

New Police Act Amendments - Early Consolidation

[Bill 17](#), the *Police Amendment Act, 2024*, partially came into force on April 25, 2024. The bill amends the [Police Act](#) to address three recommendations of the [2022 Special Committee on Reforming the Police Act](#), seven recommendations from the 2019 Special Committee to Review the Police Complaint Process and legislative changes requested by the Office of the [Police Complaint Commissioner and the Ombudsperson](#).

The legislation makes changes to municipal police governance by:

- requiring municipal councils to determine who their representative will be on their police board;

allowing police boards to elect their chair and vice-chair; and

- introducing mandatory training, a new code of conduct and requirements for boards to develop policies for handling service and policy complaints.

The bill also includes changes with respect to police oversight to improve efficiency of police misconduct investigations and discipline to:

- allow the Police Complaint Commissioner to call a public hearing earlier in misconduct investigations; and
- strengthen the commissioner's authority to conduct systemic reviews and investigations into the causes and contributors of police complaints.

For your convenience, Quickscribe has published an [early consolidation](#) of the remainder of the changes in Bill 17 as they will read when they come into force by regulation at a future date.

BC Municipal Manager Seeks More than \$700K in City Dismissal Lawsuit

A former Delta city employee is suing the municipality for more than \$700,000 before damages for wrongful firing and defamation. In a BC Supreme court notice of civil claimed filed April 19, Paramjit Singh Grewal said he was employed by the city as the general manager of economic development and stakeholder relations in the mayor's office. Named as defendants are the City of Delta and Dylan Kruger, a city councillor. Both declined comment as the case is before the courts. The claim makes no mention of the fact that Grewal was a 2018 municipal election candidate on Mayor George Harvie's Achieving for Delta slate; Grewal finished seventh, 600 votes back of running mate Kruger, who claimed the sixth and final seat. Harvie subsequently hired Grewal for the position. The claim said Grewal was earning \$234,000 per year as well as a car allowance of \$748 a month, 11.5 per cent vacation allowance and various benefits. Read the *BIV* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Assessment Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 3 to 14 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Assessment Authority Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 16 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
British Columbia Ferry Regulation (151/99)	Apr. 5/24	by Reg 248/2023
Bylaw Notice Enforcement Regulation	Apr. 17/24	by Reg 81/2024
Cannabis Control and Licensing Act	Apr. 25/24	by 2024 Bill 9, c. 10, section 42 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Community Charter	Apr. 25/24	by 2024 Bill 16, c. 11, sections 25 to 32 and 34 to 41 only (in force by Royal Assent), Housing Statutes Amendment Act, 2024
Home Owner Grant Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 55 to 60 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Islands Trust Act	Apr. 25/24	by 2024 Bill 16, c. 11, section 5 only (in force by Royal Assent), Housing Statutes Amendment Act, 2024
Liquor Control and Licensing Regulation (241/2016)	Apr. 5/24	by Reg 78/2024
Local Government Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 109 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
		by 2024 Bill 16, c. 11, sections 6 to 24 only (in force by Royal Assent), Housing Statutes Amendment Act, 2024
Model Local Education Agreement Regulation (86/2024)	NEW Apr. 30/24	see Reg 86/2024
Municipalities Enabling and Validating Act (No. 4)	Apr. 25/24	by 2024 Bill 3, c. 13, section 150 only (in force by Royal Assent), Budget Measures Implementation Act, 2024

Nisga'a Final Agreement Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 151 to 155 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
School Act	Apr. 30/24	by 2023 Bill 40, c. 38, sections 3 and 7 only (in force by Royal Assent), School Amendment Act, 2023
shishálh Nation Government District Enabling Act (formerly named Sechelt Indian Government District Enabling Act)	Apr. 25/24	by 2024 Bill 9, c. 10, sections 46 to 52 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
shishálh Nation Government District Home Owner Grant Act (formerly named Sechelt Indian Government District Home Owner Grant Act)	Apr. 25/24	by 2024 Bill 9, c. 10, sections 53 to 55 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Short-Term Rental Accommodations Act	May 1/24	by 2023 Bill 35, c. 32, sections 1 (part), 13 (a) and (c), 14 (1), 16, 17 (1) (a), (b) (i) (A) and (C), and (c), (2) (b), 18, 19 (5), 21 (b), 26 to 30, 35 (3) (b), 36 and 38 (2) (n) only (in force by Reg 268/2023 and Reg 85/2024), Short-Term Rental Accommodations Act
Short-Term Rental Accommodations Regulation (268/2023)	May 1/24	by Reg 85/2024
South Coast British Columbia Transportation Authority Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 234 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Taxation (Rural Area) Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 249 and 250 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Tobacco Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 251 to 253 and 255 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Tourist Accommodation (Assessment Relief) Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 257 to 259 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Treaty First Nation Property Taxation Enabling Act (formerly named Treaty First Nation Taxation Act)	Apr. 25/24	by 2024 Bill 3, c. 13, sections 260 to 267 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Vancouver Charter	Apr. 25/24	by 2024 Bill 11, c. 8, sections 1 to 3 only (in force by Royal Assent), Vancouver Charter Amendment Act, 2024
		by 2024 Bill 16, c. 11, sections 25 to 32 and 34 to 41 only (in force by Royal Assent), Housing Statutes Amendment Act, 2024
		by 2024 Bill 18, c. 12, sections 2, 5, 10, 16 18 to 22 and 25 to 27 only (in force by Royal Assent), Vancouver Charter Amendment Act (No. 2), 2024



MISCELLANEOUS

Miscellaneous News:

New Legal Professions Act Introduced (Early Consolidation)

[Bill 21](#) introduced the new *Legal Professions Act* on April 10 to replace the current [Legal Profession Act](#) and [Notaries Act](#). If passed, it will establish a single regulatory body for lawyers and notaries public, as well as the new category of regulated paralegals, with the potential for other new professionals authorized to provide legal services in the future. The Bill is intended to improve access to legal services by expanding the scope of services that notaries public can provide, and allowing regulated paralegals to handle some types of legal services unsupervised by lawyers. Quickscribe has published [an early consolidation](#) of the *Legal Professions Act* as it may read when the full Act comes into force by regulation at a future date.

New Legislation to Ban Disruptive Protests Outside Schools

On April 10, 2024 the BC Government introduced [Bill 22](#), *Safe Access to Schools Act*. The intent of the new law will be to provide police the authority to arrest or issue tickets to anyone found impeding access, disrupting educational activities or attempting to intimidate an individual within 20 metres (66 feet) of school grounds, K-to-12. Before establishing these "access zones" around a school, the new legislation requires the Lieutenant-Governor-in-Council to have regard for several factors, including the importance of education, safety and well-being of the students, the importance of the health, safety and well-being of persons providing educational programs and the need to protect access to schools. The Bill includes limited exemptions for students and for people who work in the schools. There are provisions in the legislation that permit lawful labour action such as strike, lockout and picketing. Finally, the law will eventually be repealed on or before July 1, 2026 by regulation. BC Attorney General Niki Sharma explained to reporters that "Access zones are not about restricting free speech" she said. "Just because you have the right to protest, doesn't mean you have the right to intimidate and harass".

It's Not All or Nothing: BC Court of Appeal Confirms Availability of Partial Stays for Issues Covered by Arbitration Clauses Amongst Non-Arbitrable Claims

What happens when a plaintiff brings an action where some of the relief sought falls within the scope of an arbitration clause, but the principal claim is unrelated? Does a judge let the action proceed in court on the basis that the essential character of the matter is non-arbitrable? Do they grant a stay in favour of arbitration because there is a sliver of matter that is subject to arbitration? Or, can the court grant a partial stay: can it stay those matters (and the relief sought) that are arguably subject to arbitration and let the rest go to court? In *Davidson v. Lyra Growth Partners Inc.*, [2024 BCCA 133](#), the Court of Appeal confirmed that the latter approach can be taken, and that stays are mandatory for the aspects of a claim covered by an arbitration clause. Read the [full article](#) by Tom Posyniak and Alexandra Mitretodis with Fasken Martineau Dumoulin LLP.

New Legislation Recognizes Work of First Nations Post-secondary Institutes

The work of First Nations to provide post-secondary education to their communities will be supported by ongoing funding provided under [new legislation](#), reflecting the integral role of First Nations-mandated post-secondary institutes as a key pillar of BC's post-secondary education system. "This legislation and the funding it commits will support the critical work underway at First Nations-mandated institutes," said sumaxatk^W. Tracey Kim Bonneau, chair of the Indigenous Adult and Higher Learning Association. Read the full government [news release](#).

BC Tables Anti-racism Legislation, Promises to Hold Public Bodies Accountable

The British Columbia government tabled [legislation](#) Thursday [April 11] that's designed to hold public bodies accountable for addressing systemic racism in policy and programs, the province's attorney general said. Niki Sharma said the proposed law would cover provincial ministries, agencies, health care and social service providers, and require the development of a public action plan using data the government has collected on systemic racism. She said it would give her ministry the power to issue compliance orders if it finds a lack of response to the action items in the plan. Read the CBC [article](#).

The Province of British Columbia and the Council of the Haida Nation Enter Into Landmark Bilateral Title and Reconciliation Agreement

It has been announced that on April 14, 2024, the Province of British Columbia and the Council of the Haida Nation reached a bilateral Aboriginal title agreement: the [Gaayhllx̱id/Giilhalagang "Rising Tide" Haida Title Lands Agreement](#) (the "Haida Title Agreement"). The Haida Title Agreement recognizes and affirms the Aboriginal title of the Haida Nation and establishes a procedure to reconcile the laws and jurisdictions of the province and Haida Nation over Haida Gwaii. It also provides that future agreements and negotiations are still required, and that many aspects of provincial and municipal law continue to apply and remain unchanged. Read the [full article](#) by Kevin O'Callaghan and Dustin Horvat with Fasken Martineau DuMoulin LLP.

Governance Reform and Lawyer Independence in Canadian Legal Regulation: Examining British Columbia's Bill 21

Earlier this month [April], the government of British Columbia introduced [Bill 21](#), the *Legal Professions Act*. This bill amalgamates the Law Society of British Columbia and the Society of Notaries Public of British Columbia into a new corporation, Legal Professions British Columbia (LPBC), while also creating a licensing and regulation structure for paralegals. It could be the most consequential development in Canadian legal regulation in more than 100 years. The British Columbia legal profession's leading organizations (the [Law Society](#), the [Canadian Bar Association's BC branch](#), and the Trial Lawyers' Association of BC) strongly oppose Bill 21, with the Law Society promising a court challenge should the bill become law. The principal reason for their opposition is the new regulator's proposed governance structure. Read the [full article](#) published by Jordan Furlong, published on *Slaw*.

BC Conservatives' 'Biological Sex' Sports Bill Is Quickly Quashed in Legislature

A proposal by British Columbia Conservative Leader John Rustad to use "biological sex" to classify participants in publicly funded sports teams and events, effectively banning transgender athletes, didn't get to first base. His private member's bill, the *Fairness in Women's and Girls' Sports Act*, was voted down at first reading, a fate that's a rarity in the BC legislature. Read the CTV [article](#).

Bill Creating New Oversight Body to Track Reconciliation Efforts Poised to Become Law

[Legislation](#) to create a new oversight body tracking Canada's reconciliation efforts has passed a final vote in Parliament. The House of Commons unanimously agreed to adopt a final version of the bill as amended by the Senate. The soon-to-be-enshrined law would create a council of 13 directors to oversee Ottawa's progress towards reconciliation with Indigenous Peoples. Most of them are to be appointed by the minister of Crown-Indigenous relations and a transitional committee, but each of three national Indigenous organizations will also get a seat. Read the [full article](#) by Alessia Passafiume with The Canadian Press.

It's Official – the Supreme Court Ends the Debate on

Privacy Interests in IP Addresses

In its recent decision in *R. v. Bykovets*, [2024 SCC 6](#), the Supreme Court of Canada held that internet protocol (“IP”) addresses attract a reasonable expectation of privacy under [section 8 of the Canadian Charter of Rights and Freedoms](#) (“Charter”). The decision has clear implications for law enforcement authorities conducting criminal investigations, but is also likely to cause ripples in Canadian privacy law and, in particular, for private organizations under the [Personal Information and Protection of Electronic Data Act](#) (“PIPEDA”) and similar provincial legislation.

Background

The case involved a police investigation of fraudulent online purchases from a liquor retailer. Police contacted the third-party payment processor that processed the liquor retailer’s online sales, seeking to obtain the IP addresses used for the fraudulent purchases. The payment processor provided two IP addresses to the police. In turn, the police obtained a production order from the court to compel the applicable Internet Service Providers to disclose the subscriber information for the two IP addresses. With the subscriber information in hand, the police obtained and executed search warrants for the residential addresses associated with the IP addresses, which belonged to the accused and his father.

Read the [full article](#) by [Keri Bennett](#), [David Spratley](#), [Taryn Urquhart](#) and Sean Gillis (Articling Student) with DLA Piper.

Act or Regulation Affected	Effective Date	Amendment Information
Balanced Budget and Ministerial Accountability Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 16 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
British Columbia Transit Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 16 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Mutual Fire Insurance Companies Act	Apr. 25/24	by 2024 Bill 9, c. 10, sections 39 to 41 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Police Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 157 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 17, c. 16, sections 1, 3, 5 to 7, 9, 15, 17, 20, 21, 23, 28, 30, 31, 33, 36 to 39, 43, 53, 57, 61, 63, 65, 69, 76, 79, 85, 87 to 89, 91 to 111, 113, 115, 119 to 121 and 123 to 125 only (in force by Royal Assent), Police Amendment Act, 2024



MOTOR VEHICLE & TRAFFIC

Motor Vehicle and Traffic News:

Recent and Upcoming Motor Vehicle Act Changes

On April 5, several provisions of [2023 Bill 23, c. 17](#) came into force, amending the [Motor Vehicle Act](#). The amendments include a new requirement for speed limiter devices for certain commercial vehicles, updated and reorganized definitions and regulation-making powers for personal mobility devices, micro-utility devices and motor assisted cycles, prohibiting certain automated vehicles on highways, and replacing the provisions regarding pilot projects.

On June 3, further amendments by Bill 23 are set to come into force by [B.C. Reg. 74/2024](#) and [B.C. Reg. 75/2024](#). These amendments will add a duty for drivers to take care around vulnerable road users, such as pedestrians or someone on a cycle, motorcycle, animal, electric kick scooter, electric wheelchair, or mobility scooter. This includes a new minimum safe passing distance for passing vulnerable road users. For more information, see the BC government [website](#).

Notice – New Edition of CAN/CGSB-43.151 is Published [Transport Canada]

A new edition of the following standard has been developed by the Canadian General Standards Board (CGSB) and was published in April 2024:

CAN/CGSB-43.151-2024 "Packaging, handling, offering for transport and transport of explosives (class 1)"

From [Transport Canada](#).

On the Right Path: New E-Bike Regulations in British Columbia

The British Columbia government has introduced new regulations governing the use of e-bikes. The [Motor Assisted Cycle \(E-Bike\) Regulation](#) came into force on April 5, 2024 and repeals the previous 2002 regulation, which was confusing and led to a number of e-bike users being convicted of offences under the [Motor Vehicle Act](#) because their e-bikes did not meet certain technical standards. The new regulation is intended to bring clarity as to what types of e-bikes are permissible on BC roads. Read the [full article](#) by

Michael Parrish with Fasken Martineau DuMoulin LLP.

**New Police Act Amendments –
Early Consolidation**

Bill 17, the [Police Amendment Act, 2024](#), partially came into force on April 25, 2024. The bill amends the [Police Act](#) to address three recommendations of the [2022 Special Committee on Reforming the Police Act](#), seven recommendations from the [2019 Special Committee to Review the Police Complaint Process](#) and legislative changes requested by the Office of the Police Complaint Commissioner and the Ombudsperson.

The legislation makes changes to municipal police governance by:

- requiring municipal councils to determine who their representative will be on their police board;
- allowing police boards to elect their chair and vice-chair; and
- introducing mandatory training, a new code of conduct and requirements for boards to develop policies for handling service and policy complaints.

The bill also includes changes with respect to police oversight to improve efficiency of police misconduct investigations and discipline to:

- allow the Police Complaint Commissioner to call a public hearing earlier in misconduct investigations; and
- strengthen the commissioner's authority to conduct systemic reviews and investigations into the causes and contributors of police complaints.

For your convenience, Quickscribe has published an [early consolidation](#) of the remainder of the changes in Bill 17 as they will read when they come into force by regulation at a future date.

BC Supreme Court Awards Damages to Pedestrian Severely Injured in Crosswalk Accident

In a recent personal injury case, the BC Supreme Court awarded \$602,685 in damages to a pedestrian who was severely injured in a crosswalk accident.

In *Oliver v Loewen*, [2024 BCSC 604](#), Billie-Jo Oliver was struck by a vehicle in a marked crosswalk in Penticton, leading to extensive injuries and a lengthy legal battle over the quantum of damages. She was going to deliver a loaf of home-baked bread to a friend and was crossing at the intersection of Wade Avenue and Ellis Street in Penticton when the accident occurred. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [CVSE 1052 Contacts](#) – Notice to industry that the List of Contacts for use with Form CVSE1052 has been updated (April 30, 2024)

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:

Application Decisions

- [20221-24 PS TOP](#) – Vanride Shuttle Services Ltd. [Approved]
- [20272-24 TOP](#) – Skeena Taxi Ltd. [Approved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Commercial Transport Act	Apr. 5/24	by 2023 Bill 23, c. 17, section 38 only (in force by Reg 247/2023), Motor Vehicle Amendment Act, 2023
Commercial Transport Fees Regulation (328/91)	Apr. 1/24	by Reg 8/2024
Electric Kick Scooter Pilot Project Regulation (247/2023)	NEW Apr. 5/24	see Reg 247/2023
Electric Kick Scooter Pilot Project Regulation (90/2021)	REPEALED Apr. 5/24	by Reg 247/2023
Motor Assisted Cycle Regulation (151/2002)	REPEALED Apr. 5/24	by Reg 64/2024

Motor Assisted Cycle (E-Bike) Regulation (64/2024)	NEW Apr. 5/24	see Reg 64/2024
Motor Dealer Act	Apr. 5/24	by 2023 Bill 23, c. 17, section 41 only (in force by Reg 247/2023), Motor Vehicle Amendment Act, 2023
Motor Dealer Act Regulation (447/78)	Apr. 5/24	by Reg 291/2023
Motor Fuel Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 131 to 134, 136, 140 to 142, 144, 145 and 148 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Motor Vehicle Act	Apr. 5/24	by 2023 Bill 23, c. 17, sections 1 to 9, 10 (a) to (e), 11, 12 (j) and (n), 20, 24 (part), 30, 32 (part) and 35 only (in force by Reg 247/2023 , Reg 291/2023 , Reg 63/2024 and Reg 64/2024), Motor Vehicle Amendment Act, 2023
	Apr. 25/24	by 2024 Bill 9, c. 10, section 62, 64 to 66, 70 to 73 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Motor Vehicle Act Regulations (26/58)	Apr. 5/24	by Reg 248/2023 , Reg 291/2023 and Reg 63/2024
Off-Road Vehicle Regulation (193/2015)	Apr. 5/24	by Reg 291/2023
Offence Act	Apr. 9/24	by 2022 Bill 17, c. 14, sections 1, 2 6 and 14 (a) only (in force by Reg 179/2023 , as amended by Reg 285/2023), Miscellaneous Statutes Amendment Act, 2022
	Apr. 25/24	by 2024 Bill 17, c. 16, section 164 only (in force by Royal Assent), Police Amendment Act, 2024
Offence Act Forms Regulation (422/90)	Apr. 9/24	by Reg 179/2023 , as amended by Reg 285/2023 and Reg 65/2024
Violation Ticket Administration and Fines Regulation (89/97)	Apr. 5/24	by Reg 248/2023 , Reg 291/2023 and Reg 63/2024
	Apr. 9/24	by Reg 179/2023 , as amended by Reg 285/2023
Zero-Emission Vehicles Regulation (196/2020)	Apr. 5/24	by Reg 291/2023



OCCUPATIONAL HEALTH & SAFETY

Occupational Health and Safety News:

Changes Coming to Workplace First Aid Requirements

from [WorkSafeBC](#):

On November 1, 2024, amendments to the [Occupational Health and Safety Regulation](#) relating to occupational first aid will come into effect. Employers across the province will need to review their current first aid plans and make necessary adjustments to meet the new requirements.

175 Workers Died in BC in 2023: WorkSafeBC

A total of 175 workers in British Columbia lost their lives in their line of work in 2023, according to WorkSafeBC. And occupational disease remained the number one killer of workers last year. Specifically, occupational diseases killed 93 workers in 2023. Among them, 48 resulted from asbestos exposure often decades ago. Meanwhile, 60 workers died from traumatic injuries last year, including falls from elevation, being struck by objects, and being caught in equipment and/or machinery. Read the [full article](#) by Jim Wilson, with Canadian Occupational Safety.

2024 New or Revised ACGIH Threshold Limit Values and B.C. Exposure Limits

from [WorkSafeBC](#):

The [Occupational Health and Safety Regulation](#) provides that, except as otherwise determined by WorkSafeBC, an employer must ensure no worker is exposed to a substance exceeding the Threshold Limit Values (TLVs) prescribed by the [American Conference of](#)

[Governmental Industrial Hygienists](#) (ACGIH). Twice a year, the ACGIH publishes a list of substances for which they have set new or revised TLVs. When the new or revised TLVs for substances are adopted, these TLVs are referred to as B.C. Exposure Limits (ELs). An EL is the maximum allowed airborne concentration for a chemical substance for which it is believed that nearly all workers may be exposed over a working lifetime and experience no adverse health effects. ELs may be set out as an 8-hour time-weighted average concentration, a 15-minute short-term exposure limit, or a ceiling limit. Read the full WorkSafeBC [news bulletin](#).

May 2024 Public Hearing on Proposed Changes to the Occupational Health and Safety Regulation

from [WorkSafe BC](#):

WorkSafeBC is holding a virtual public hearing on proposed amendments to the Occupational Health and Safety (OHS) Regulation. The virtual public hearing will be streamed live on May 14, 2024, in two sessions. The first will be from 11 a.m. to 1 p.m. and the second from 3 to 5 p.m. The virtual hearing will cover proposed changes to the following parts of the OHS Regulation:

[Part 6. Substance Specific Requirements — Combustible Dusts](#)

OHS Policies/Guidelines – Updates

April 11, 2024

Guidelines – Occupational Health and Safety Regulation

- Part 5 Chemical Agents and Biological Agents
[Table of Exposure Limits for Chemical and Biological Substances](#)
The table has been updated to reflect changes to OHS Policy R5.48-1 (amended April 11, 2024). Deletions are shown as strikethrough; additions and revisions are highlighted in green.

Policies – Occupational Health and Safety Regulation

OHS Policy R5.48-1 has been amended to reflect the current exposure limits for substances listed on the new or revised Threshold Limit Values for 2024 January from the American Conference of Governmental Industrial Hygienists (effective April 11, 2024).

- [R5.48-1 Controlling Exposure – Exposure Limits](#)

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

Act or Regulation Affected	Effective Date	Amendment Information
<i>There were no amendments this month.</i>		



PROPERTY, REAL ESTATE & CONSTRUCTION

Property, Real Estate & Construction News:

Applications Open for \$40M Loan Program for Secondary Suites

Homeowners can apply for forgivable loans for as much as half the total cost of renovations, up to a maximum of \$40,000, to build basement and garden suites. The province opened applications on Thursday [May 2] for a \$40-million low-interest loan program to help homeowners build secondary suites, as part of its efforts to generate more affordable housing in BC. Premier David Eby and Housing Minister Ravi Kahlon launched the three-year incentive program at Castle Building Centre on Bay Street in Vic West. Homeowners will be offered forgivable loans for as much as 50 per cent of the total cost of renovations, up to a maximum of \$40,000, to help cover construction costs for new basement suites, garden suites, or carriage or laneway homes on their properties. Read the *Times Colonist* [article](#).

New Regulations for Strata Depreciation Reports

Amendments to the [Strata Property Act](#) in [2020 Bill 14, c. 16](#) will be brought into force on July 1, 2024 by [B.C. Reg. 88/2024](#). These amendments authorize regulations that set out timing and other rules respecting depreciation reports. B.C. Reg. 88/2024 will also amend the [Strata Property Regulation](#) to require existing strata corporations with five or more strata lots to obtain a depreciation report every five years. Starting July 1, 2025, the report must be from a qualified professional as set out in the regulation, and for new stratas after July 1, 2027, owner-developers will be required to contribute to the contingency reserve fund for the first report.

Land Title and Property Law Amendments – Coming into Force May 21, 2024

[Bill 13](#), the *Land Title and Property Law Amendment Act, 2024*, received Royal Assent on April 25. The Bill will amend the [Land Title Act](#) and the [Property Law Act](#) to allow First Nations in BC to acquire, hold and dispose of land in their own names without the additional administrative processes of setting up a corporation or using alternative arrangements such as proxies, federal trusts or societies. Amendments to the Land Title Act set out the administrative requirements for First Nations when registering land, including witnessing and execution of documents by First Nations, and the reliance on such documents by the registrar and third parties dealing in good faith with the First Nation. The Property Law Act amendments will include First Nations recognized as a federal legal entity within the category of entities in property law that may acquire, hold and dispose of land in BC. These changes will come into force on May 21, 2024.

BC Proposes Legislative Changes to Support First Nations Land Ownership

The Government of British Columbia has presented [Bill 13](#) – *Land Title and Property Law Amendment Act*, aiming to amend current legislation to facilitate First Nations' acquisition, holding, and registration of fee simple land in the province. The initiative seeks to address and amend the discriminatory practices embedded within existing laws that have historically impeded First Nations from engaging in land transactions akin to individuals and corporations. Read the full article by [Angelica Dino](#) on *Canadian Lawyer*.

Tenants Facing Displacement from BC Apartment Say 'Renovation' Protections Not Working

A group of [tenants](#) being displaced from an affordable [rental](#) apartment building outside of Victoria say they're being renovicted and are getting little help from new BC laws meant to protect against the practice. Residents of the 30 units in the Sturdee apartments in Esquimalt have been ordered to move out by September so the building's new owner can do renovations and repairs. The property was purchased by Sturdee Investments, a company run by developer Andrew Rebeyka, in August 2023. About half of them have accepted a \$5,000 buyout from the landlord that also ends their right to contest the evictions. Read the *Global News* [article](#).

Protections Coming for Residents of Manufactured Home Parks

[Changes](#) to the [Manufactured Home Park Tenancy Regulation](#), which establishes park rules, will make life easier for manufactured home residents. Currently, some owners of manufactured homes have difficulty knowing what rules are in effect, because there is no limit to how often owners of manufactured home parks can change park rules. Changes to the regulation will mean that park rules can only be changed once a year and with three months notice. This will help improve clarity for tenants regarding what rules are in effect, when they will be in effect, and ensure tenants have adequate time to comply with a park rule change or dispute it with the Residential Tenancy Branch (RTB). Read the government [news release](#).

Avoid Nightmares in Dream Home Construction: The Importance of Carefully Drafting and Following Your Construction Contract

Ellcar Ventures Ltd. v. MacLeod, [2023 BCSC 2095](#) reminds all construction stakeholders to pay close attention when drafting and executing their contracts. Where possible, include contractual terms to address contingencies that impact the contract scope, price, and time. Document the progress of the project in writing, including all communications especially when issues arise. Most importantly, follow your contract. If you don't, you may not be able to rely on key terms as you had intended.

Facts

The owner hired the contractor to build her residential home. They entered into a bespoke eight-page contract that the contractor drafted. During the construction, extra work scope arose which increased the project cost and time. The owner refused to pay the contractor's final invoice due to the extras. The owner argued there was a fixed price contract, so extras beyond that price were the contractor's responsibility. The contractor stopped work and sued the owner for payment. The owner countersued for deficiencies and delay.

Read the [full article](#) by [Denny Chung](#) with Clark Wilson.

BC Builders Can Now Use Mass Timber in Taller Buildings

Updates to the BC Building Code will benefit people in the building and housing sectors with the expanded use of mass timber in taller buildings, as well as schools, libraries and retail. The Province is adopting building-code changes to permit the use of mass timber in buildings, such as schools, shopping centres and housing, so they can be built faster and more sustainably. Read the government [news release](#).

First Request First Served

Dear Tony:

Our 36 unit townhouse complex in the Okanagan has an energy supply problem. Over the past 5 years, 6 owners have converted their gas furnaces to heat pumps and 3 owners now have electric vehicles with charging stations, and there are several air conditioners installed. We have experienced a brown out on 2 occasions during heat spells where car charging, cooling and cooking happen around dinner time. The electrician we have been working with has advised until we do upgrades, we should restrict any other changes. Does the strata corporation have an obligation to upgrade our electrical systems to enable everyone to have the same access to alterations? We have several requests now for heat pumps. – MC

Dear MC:

The recent introduction of Electric Planning Reports (EPR) in the [Strata Property Act](#) is a welcome planning inspection and evaluation tool for multi family properties. Whether you are a bare land, townhouse, low rise or high rise building, the capacity of electrical service that was intended was limited to the projected demand at the time of original construction. In addition, there are also limits on the capacity that is delivered to different regions and neighbourhoods.

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

Act or Regulation Affected	Effective Date	Amendment Information
Land Owner Transparency Act	Apr. 25/24	by 2024 Bill 9, c. 10, sections 44 and 45 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024

Land Title Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 97 to 99 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Manufactured Home Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 116 to 118 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Manufactured Home Park Tenancy Act	Apr. 8/24	by 2015 Bill 18, c. 10, sections 123 (a), 125, 127, 128 (b), (d), 129, 130, 132, 133, 136 (c) only (in force by Reg 79/2024), Administrative Tribunals Statutes Amendment Act, 2015
		by 2023 Bill 42, c. 47, sections 26 to 29, 32, 33, 37, 39, 40, 43, 45 to 47, 49, 51 and 61 (part) only (in force by Reg 79/2024), Miscellaneous Statutes Amendment Act (No. 3), 2023
Manufactured Home Park Tenancy Regulation	Apr. 30/24	by Reg 91/2024
Manufactured Home Tax Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 119 to 124 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Property Transfer Tax Act	RETRO to various dates	by 2024 Bill 3, c. 13, sections 171 to 173, 177, 186 and 187 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 3, c. 13, sections 170, 174, 188, 189, 192, 193, 195, 197, 198 and 200 to 202 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
Property Transfer Tax Exemption Regulation No. 35 (90/2024)	NEW RETRO to Nov. 28/23	see Reg 90/2024
Residential Tenancy Act	Apr. 8/24	by 2015 Bill 18, c. 10, sections 169 (a), 171, 173, 174 (b), (d), 175, 176, 178, 179 and 183 (c) only (in force by Reg 79/2024), Administrative Tribunals Statutes Amendment Act, 2015
		by 2023 Bill 42, c. 47, sections 64 to 67, 74, 75, 79, 81, 82, 85, 87 to 89, 91, 93 and 103 (part) only (in force by Reg 79/2024), Miscellaneous Statutes Amendment Act (No. 3), 2023
Short-Term Rental Accommodations Act	May 1/24	by 2023 Bill 35, c. 32, sections 13 (a) and (c), 14 (1), 16, 17 (1) (a), (b) (i) (A) and (C), 36 only (in force by Reg 268/2023 and Reg 85/2024), Short-Term Rental Accommodations Act
Short-Term Rental Accommodations Regulation (268/2023)	May 1/24	by Reg 85/2024
Speculation and Vacancy Tax Act	RETRO to various dates	by 2024 Bill 3, c. 13, sections 240 and 242 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
	Apr. 25/24	by 2024 Bill 3, c. 13, sections 241, 243 to 245 and 247 only (in force by Royal Assent), Budget Measures Implementation Act, 2024
		by 2024 Bill 9, c. 10, section 56 only (in force by Royal Assent), Miscellaneous Statutes Amendment Act, 2024
Unclaimed Property Act	Apr. 25/24	by 2024 Bill 3, c. 13, section 268 only (in force by Royal Assent), Budget Measures Implementation Act, 2024

 **WILLS & ESTATES**

Wills and Estates News:

BC Supreme Court Clarifies the Scope of Solicitor-Client Privilege in Estate Administration

In a recent ruling, the BC Supreme Court clarified the issue of solicitor-client privilege in the context of estate administration.

In *Holmes v Holmes*, [2024 BCSC 510](#), the petitioner, Cheryl Anne Holmes, sought a declaration regarding the assets and liabilities of her mother's estate, raising questions about the existence of a solicitor-client relationship between herself and the estate solicitors, DLA Piper. Furthermore, Cheryl inquired whether such a relationship entitled her to documents related to the estate's administration under the general and restricted wills. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Unequal Inheritance Between Siblings in Canada – Case Study

In Canada, the question of whether an inheritance should be distributed equally between siblings has been a subject of legal debate. In British Columbia, for example, the case of [Grewal v. Litt](#) showcased a situation where an unequal inheritance between siblings led to a legal challenge.

This article discusses the implications of this case, addressing the question of whether an inheritance should be distributed equally among siblings and how the court can intervene to ensure a fair and equitable division of an estate. Read the [full article](#) published by Onyx Law.

B.C. Case Comment: Applications to Remove Attorneys or Representatives

I have previously written about the issue of applications to remove co-trustees or co-executors. On occasion, applications are also made to remove attorneys named in a power of attorney or representatives named in a health care representation agreement.

In *Stockall (Re)* [2023 BCSC 437](#), the donor was 93 and suffered from a number of medical ailments including advanced dementia. He had six children, and he named two of his daughters as his attorneys under an enduring power of attorney, and health care representatives under a health care representation agreement. The two sisters sought to remove each other. Read the [full article](#) by [James Zaitsoff](#) on the *BC Estate Litigation Blog*.

BC Supreme Court Appoints Administrator to Manage Disputed Estate to Ensure Transparency

In a recent ruling, the BC Supreme Court appointed a licensed insolvency trustee to administer a contested estate to ensure that the estate is managed transparently and accurately.

In *Stoker v Young*, [2024 BCSC 637](#), Dorothy Dropati Ram died in 2021. Her daughter, Elizabeth Aruna Devi Stoker, requested the court to appoint an impartial administrator to oversee the estate, citing concerns about the execution of her mother's last will. The court noted a dispute between the parties concerning the relationships between the parties and the parents. Stoker asserted that she had a close and loving relationship with her parents. On the other hand, Stoker's siblings contended that Stoker was estranged from Dorothy, an assertion which Stoker argued is false. Read the [full article](#) by [Angelica Dino](#) in the *Canadian Lawyer*.

Act or Regulation Affected	Effective Date	Amendment Information
Wills, Estates and Succession Act	Apr. 25/24	by 2024 Bill 3, c. 13, sections 269 and 270 only (in force by Royal Assent), Budget Measures Implementation Act, 2024

Disclaimer

.....
 The content of this document is intended for client use only. Redistribution to anyone other than Quickscribe clients (without the prior written consent of Quickscribe) is strictly prohibited. The Reporter includes articles that should be used for information and educational purposes only and are not intended to be a source of legal advice. Please consult with a lawyer before choosing to act on any information included in the Reporter. The content in each article is owned by its respective author.
[Unsubscribe from this email service](#)

Quickscribe Online 2.0

Do you get the Reporter but are not familiar with Quickscribe Online? See why [Quickscribe Online 2.0](#) is now the go-to source for legislation in BC.

QUICKSCRIBE SERVICES LTD.
 Email: info@quickscribe.bc.ca
 Website: www.quickscribe.bc.ca
 Toll Free: 1-877-727-6978 | Phone: 1-250-727-6978

