



## Vol: VI – Issue 8 – August 2024

### QS News

#### Quickscribe Training

A recording of the most recent webinar training session, hosted by Quickscribe owner Mike Pasta, has been [published to YouTube](#). The short, 23-minute (edited) video will help to ensure you and your colleagues are making full value out of the latest version of this made-in-BC service.

### New Annotations

New Annotations have been added to Quickscribe:

- [Bill Buholzer](#), Young Anderson – [Local Government Act](#)
- [Karen Zimmer](#), Alexander Holburn Beaudin + Lang LLP – [Freedom of Information and Protection of Privacy Act](#), [Personal Information Protection Act](#)
- [Katherine Hardie](#), Human Rights Tribunal – [Human Rights Code](#)

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

[LOCAL GOVERNMENT](#)  
[COMPANY & FINANCE](#)

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

[LABOUR & EMPLOYMENT](#)  
[MOTOR VEHICLE & TRAFFIC](#)

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



## LOCAL GOVERNMENT

### Local Government News:

#### New Interim Guidance for Inclusionary Zoning and Density Bonus Bylaws

The Ministry of Housing has published [Interim Guidance: Inclusionary Zoning and Density Bonus](#), which covers some of the changes that were made by Bill 16, the [Housing Statutes Amendment Act, 2024](#), earlier this year. Bill 16 allowed local governments to adopt inclusionary zoning bylaws that require some portion of development to be allocated for affordable housing, and updated the density bonus legislation to be consistent with inclusionary zoning. This new publication provides guidance on developing and

implementing bylaws consistent with these changes. For more information, see the BC government [website](#).

### Old Property Covenants Stall BC's New Density Legislation

Property owners in BC are starting to notice what some call an unintended complication with provincial legislation aimed at creating more housing density in traditional single-family home neighbourhoods. Covenants on some properties prohibit replacing single-family homes with multi-unit dwellings. Private agreements between developers, or builders and owners, are not superseded by provincial legislation passed late last year that mandated local bylaw zoning changes to allow or expedite multi-unit housing on single-family home lots. For example, a couple in the Government Road area of Burnaby wants to sell their nearly 3,000-square-foot home to a potential buyer who wants to take advantage of the new rules to build a multiplex on the site. But a covenant, called a statutory building scheme (SBS), put in place on the property by the builder in 1975 and 18 similar homes in the neighbourhood, ensures only a structure of a certain size can replace the current structure. It essentially disallows multi-unit housing such as a duplex, triplex or townhome. Read the CBC [article](#).

### Not So Fast: British Columbia Court of Appeal Quashes Appeal Outside Its Statutory Jurisdiction in *North Vancouver (City) v British Columbia (Utilities Commission)*

In its decision in [North Vancouver \(City\) v British Columbia \(Utilities Commission\)](#) ("*Utilities Commission*"), the British Columbia Court of Appeal (the "BCCA") made clear it will not entertain and will quash an appeal outside its statutory jurisdiction even though leave to appeal was granted. *Utilities Commission* concerns appeals challenging a finding of the British Columbia Utilities Commission (the "Commission"). The Commission regulates utilities under the [Utilities Commission Act](#) (the "UCA"). Under the UCA, "public utility" excludes "a municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries" (the "Municipal Exclusion"). Read the [full article](#) by Daniel Siracusa and Gabriella Pasolli with McCarthy Tetrault.

### Is a Guinea Fowl a Fowl: an Offender's Intention and the Interpretation of Bylaws

On June 17, 2024, in the judgment of R v Reid, [2024 BCSC 1044](#), Madam Justice Sharma of the British Columbia Supreme Court released her decision on what, at first blush, appears to be an undeniably odd question under appeal: is a guinea fowl a "fowl" for the purposes of Vancouver's *Animal Control Bylaw 9150* (The "*Animal Control Bylaw*"). The circumstances giving rise to this appeal are straight-forward, and found in the reported decision of Judicial Justice Makhdoom of *City of Vancouver v Reid*, 2023 BCPC 204. The accused, Ms. Reid, was summarily charged by the City of Vancouver for violating section 7.2 of Vancouver's Animal Control Bylaw for keeping two guinea fowl as pets on her property. Read the [full article](#) by Marshall Putnam with Steward McDannold Stuart.

### BC Fire Safety Act Comes into Force

As of August 1st, 2024, the new [Fire Safety Act](#) is in force, replacing the former [Fire Services Act](#). The *Fire Safety Act* received royal assent in 2016 but was not brought into force until now due to concerns about regional districts' capacity to take on fire inspection duties. Local governments will be interested in several features of the legislation. Read the [full article](#) by Aidan Andrews with Civic Legal LLP.

### Online Threats and a Hangman's Noose: How Do BC's Local Governments Deal with Toxicity?

Every year at BC's annual local government convention, when hundreds of municipal politicians and bureaucrats chat over a beer at the end of a long day of panel discussions and workshops, one subject that frequently comes up is the increasing toxicity they face in their jobs. Almost everyone, especially those who have been around for a long time, agrees that intensely personal, harassing and sometimes outright threatening behaviour from the public toward local government officials is a problem that's getting worse. It's concerning at the individual level, because everyone deserves a safe workplace. But more broadly, it's also a problem for society if this is pushing capable people to leave public service, or discouraging them from ever entering it. The subject is on the agenda at the annual [Union of BC Municipalities convention](#) next month, with [resolutions](#) seeking to tackle harassment, intimidation and threats directed from the public toward elected officials and local government staff. Read the *Vancouver Sun* [article](#).

### Environment Assessment Act Review Begins

Local government officials and staff who would like to provide input on topics and areas of focus for a review of the *Environment Assessment Act* are encouraged to share their feedback by Wednesday, September 11, 2024. UBCM and local governments were recently notified by the Province that a legislative review of the Act is scheduled to begin in December 2024. Read the UBCM [article](#).

### BC Revamps Building Code to Allow Single Stairwells in Buildings up to Six Storeys

British Columbia is moving to allow buildings up to six storeys to have one exit stairwell instead of two in the government's latest effort to boost housing supply. Housing Minister Ravi Kahlon says in a statement that updating the provincial building code to remove the requirement for a second egress or exit stairwell per floor will facilitate more options for residents who need larger layouts. The provincial statement says the change, which applies everywhere except some federal lands and the City of Vancouver, will make it possible to build housing projects on smaller lots and allow greater flexibility for multi-bedroom apartments, adding housing density in areas of transit-oriented developments. Read the *BIV* [article](#).

Act or Regulation Affected	Effective Date	Amendment Information
Building Act	Aug. 1/24	by 2016 Bill 4, c. 19, section 57 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Community Charter	Aug. 1/24	by 2016 Bill 4, c. 19, sections 58 and 59 only (in force by

		<a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Emergency and Disaster Management Act	Aug. 1/24	2023 Bill 31, c. 37, sections 192 and 193 only (coming into force of 2016 Bill 4, c. 19, sections 4 and 19, <a href="#">Fire Safety Act</a> ), <a href="#">Emergency and Disaster Management Act</a>
Evidence Act	Sept. 1/24	by 2024 Bill 26, c. 25, section 28 only (in force by <a href="#">Reg 189/2024</a> ), <a href="#">Early Learning and Child Care Act</a>
Fire Safety Act	<b>NEW</b> Aug. 1/24	c. 19, SBC 2016, <a href="#">Bill 4</a> , whole Act except section 56 (b) (in force by <a href="#">Reg 248/2024</a> ), as amended by 2017 Bill 9, c. 10 (in force by Royal Assent), <a href="#">Miscellaneous Statutes (Minor Corrections) Amendment Act, 2017</a> , and 2018 Bill 7, c. 5 (in force by Royal Assent), <a href="#">Miscellaneous Statutes Amendment Act, 2018</a>
Fire Safety Regulation (248/2024)	<b>NEW</b> Aug. 1/24	see <a href="#">Reg 248/2024</a>
Fire Services Act	<b>REPEALED</b> Aug. 1/24	by 2016 Bill 4, c. 19, section 56 (a) only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Fire Services Fees Regulation (123/94)	<b>REPEALED</b> Aug. 1/24	by 2016 Bill 4, c. 19, section 56 (c) only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Fireworks Act	Aug. 1/24	by 2016 Bill 4, c. 19, sections 61 to 63 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Liquor Control and Licensing Regulation (241/2016)	Aug. 19/24	by <a href="#">Reg 255/2024</a>
Local Government Act	Aug. 1/24	by 2016 Bill 4, c. 19, sections 64 and 65 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Vancouver Charter	Aug. 1/24	by 2016 Bill 4, c. 19, section 70 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>



## COMPANY & FINANCE

### Company and Finance News:

#### The Supreme Court of Canada Rules that While BC Securities Commission Disgorgement Orders Survive Bankruptcy Discharge, Administrative Penalties Do Not

In *Poonian v British Columbia (Securities Commission)*, [2024 SCC 28](#), the Supreme Court of Canada clarified which monetary sanctions ordered by the British Columbia Securities Commission would survive an order of discharge under the [Bankruptcy and Insolvency Act](#) (the "BIA") and which would not. As we have written about previously, the Supreme Court's decision comes in the wake of conflicting decisions from the BC Court of Appeal in *Poonian v British Columbia (Securities Commission)*, [2022 BCCA 274](#), and the Alberta Court of Appeal in *Alberta Securities Commission v Hennig*, 2021 ABCA 411. The Supreme Court of Canada has drawn a distinction between orders requiring persons to disgorge the proceeds obtained through a fraudulent scheme ("disgorgement orders") and administrative penalties designed to denounce and deter fraudulent conduct ("administrative penalties"). While disgorgement orders will survive a discharge in bankruptcy, administrative penalties will not. Read the [full article](#) by Jordan Deering and Regan Christensen with DLA Piper.

#### Canada's New Entrepreneurs' Incentive: A Look at the Draft Legislation

On August 12, the Department of Finance Canada ("Finance Canada") released proposed amendments to the [Income Tax Act](#) (the "Act") implementing the new Canadian Entrepreneurs' Incentive (the "Incentive"). The Incentive aims to reduce the capital gains inclusion rate to one-third on a lifetime maximum of \$2 million in eligible capital gains. The Incentive will apply to taxation years after 2024. Read the [full article](#) by Max Walker and Katie Bois with Lawson Lundell LLP.

#### Finance Canada Consults on Changes to Financial Institution Statutes

The Department of Finance has launched the third phase of its review of Canada's federal financial institutions statutes, concerning proposed changes to the [Bank Act](#), [Insurance Companies Act](#), [Trust and Loan Companies Act](#) and related legislation. The public

[Consultation Paper](#) was published on August 12, 2024 and builds on two previous financial sector consultations by the Department that were advanced in 2023, relating to national security and strengthening competition in the financial sector. Overall, the proposals respond to recent financial institution mergers, suggest banks should take on more responsibilities during the transition to digital banking, and continue the dialogue around national security risks. Some of the more significant proposals impacting financial services are summarized below. Read the [full article](#) by Koker Christensen, Craig Bellefontaine and Tara Newman with Fasken.

### CSA Propose Amendments Related to CSE's Senior Tier, Majority Voting, Escrow Agreements and More

The Canadian Securities Administrators ("CSA") recently published for comment proposed amendments and changes to certain national instruments and policies to: (i) address the Canadian Securities Exchange's ("CSE") creation of a senior tier; (ii) codify blanket orders that were put in place to accommodate the [Canada Business Corporations Act](#) ("CBCA") "majority voting" amendments; (iii) remove the requirement for escrow agreements to be signed, sealed and delivered by securityholders in the presence of a witness; and (iv) make housekeeping amendments. The comment period will end on October 30, 2024. Read the [full article](#) published by Stikeman Elliot.

### Updates to BC Sales Taxes

The following updates to sales taxes were recently posted:

#### Provincial sales tax (PST)

- **August 7, 2024**

[Bulletin PST 106, Legal Services \(PDF, 340KB\)](#), has been updated to:

- Remove incorrect information from the Services That Are Not Legal Services section that said if the listed services included or resulted in legal advice or legal services being provided, they would be taxable regardless of whether they were separately listed on the bill
- Add information about exemptions for legal services provided to the federal government and legal services purchased from a small seller

- **August 9, 2024**

[Bulletin PST 100, Safety Equipment and Protective Clothing \(PDF, 350KB\)](#), has been updated to:

- Specify that KF94, KN95 and N95 respirators are exempt from PST
- Clarify that PST applies to replacement parts for air hoses designed to connect a respirator or SCBA to an air source

- **August 22, 2024**

[Bulletin PST 207, Medical Supplies and Equipment \(PDF, 390KB\)](#), has been revised to:

- Clarify what qualifies as exempt menstrual or postpartum underwear

[Bulletin PST 206, Grocery and Drug Stores \(PDF, 450KB\)](#), has been revised to:

- Clarify what qualifies as exempt menstrual or postpartum underwear
- Add automated external defibrillators (AEDs) to the list of exempt safety equipment and protective clothing
- Add more information on how PST applies to gloves

The [List of zero-emission vehicles available in Canada](#) has been updated to:

- Clarify PST exemption requirements for used ZEVs
- Add vehicles to the list

#### Motor fuel tax and carbon tax

- **August 8, 2024**

[FIN 171, Application for Refund of Carbon Tax – Non-Registered Air or Marine \(PDF, 240 KB\)](#), has been revised to remove photo ID requirements for individuals and sole proprietorships.

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

### BC Securities – Policies & Instruments

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

- [81-102](#) – Proposed amendments to National Instrument 81-102 Investment Funds (NI 81-102) resulting from T+1 amendments to National Instrument 24-101 Institutional Trade Matching and Settlement (NI 24-101)

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

Act or Regulation Affected	Effective Date	Amendment Information
Designated Accommodation Area Tax Regulation (93/2013)	Aug. 1/24	by <a href="#">Reg 232/2024</a>
Financial Institutions Fees Regulation (312/90)	Sept. 1/24	by <a href="#">Reg 183/2024</a>
Insurance (Captive Company) Regulation (99/2017)	Sept. 1/24	by <a href="#">Reg 183/2024</a>



## FOREST & ENVIRONMENT

### Forest and Environment News:

#### B.C., 'Naᓄmgᓄis Endorse Gwa'ni Land-Use Planning Recommendations

A new collaborative approach to land-use planning on northern Vancouver Island will help protect 'Naᓄmgᓄis First Nation cultural values and biodiversity, while providing operational clarity for the forest industry within 'Naᓄmgᓄis territory.

Developed through a government-to-government process between the Province and 'Naᓄmgᓄis, the Gwa'ni Land Use Plan (LUP) introduces modifications to the existing Vancouver Island Land Use Plan (VILUP).

"This collaboration between 'Naᓄmgᓄis and the Province preserves First Nations cultural values and protects the important ecosystems of the Nimpkish River watershed, while also incorporating the needs of the forestry sector and communities of the north Island now and in the future," said Nathan Cullen, Minister of Water, Land and Resource Stewardship. Read the government [news release](#).

#### Occupational First Aid Regulatory Change Update

WorkSafeBC's Board of Directors has approved amendments to Part 3 of the [Occupational Health and Safety Regulation](#), relating to occupational first aid (OFA). These amendments take effect November 1, 2024.

To assist you in preparing for the new requirements, WorkSafeBC is sharing information about the new workplace first aid curriculum and additional resources to help you understand the first aid regulatory changes. Read the [full article](#) in the September issue of *Forest Safety News*.

#### New Canadian PFAS Reporting Requirements

Canada is a few steps behind the United States in regulating per- and polyfluoroalkyl substances ("PFAS"). However, we are catching up. On July 27, 2024, the Canadian Government published a notice regarding new reporting obligations for manufacturers, importers and users of certain types of PFAS.

Certain Canadian manufacturers, importers and users of the listed types of PFAS are required to submit a report by January 29, 2025, for activities conducted in the 2023 calendar year ("Required Reporters"). Failure to submit a report could result in significant penalties under the [Canadian Environmental Protection Act, 1999](#) ("CEPA"). Read the [full article](#) by [Alex Sadvari](#) and [Jessica Chen](#) with Gowling WLG.

#### How the Huge Hike in U.S. Tariffs on Canadian Softwood Lumber Will Impact B.C.

U.S. officials warned Canada in February that its tariffs on Canadian softwood lumber would increase, but a final decision on Tuesday that nearly doubled them was a body blow to an already challenged industry.

The U.S. Department of Commerce announced its decision, which will start being applied to American imports of Canadian lumber almost immediately, to increase the total tariffs to an average rate of 14.54 per cent from 8.05 per cent a year ago. Read the *Vancouver Sun* [article](#).

#### Environmental Appeal Board Decisions

The following Environmental Appeal Board decisions were made recently:

##### [Water Sustainability Act](#)

- [Arnold Cottrell v. Bryan Robinson, Deputy Comptroller of Water Rights](#) [Summary Dismiss for Lack of Jurisdiction – Appeal Dismissed]

##### [Wildlife Act](#)

- [Cassidy Caron v. Logan Wenham, Ministry of Forests](#) [Final Decision – Appeal Dismissed]

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

#### Forest Appeals Commission Decisions

The following Forest Appeals Commission decision was made recently:

##### [Wildfire Act](#)

- [Canadian National Railway Company v. Government of British Columbia](#) [Preliminary Decision Regarding an Application for Document Production – Granted in Part]

Visit the Forest Appeals Commission [website](#) for more information.

Act or Regulation Affected	Effective Date	Amendment Information
----------------------------	----------------	-----------------------

Administrative Penalties Regulation ( <i>Environmental Management Act</i> ) (133/2014)	Aug. 1/24	by <a href="#">Reg 178/2023</a>
Environmental Management Act	Aug. 1/24	by 2016 Bill 4, c. 19, section 60 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
Municipal Wastewater Regulation (87/2012)	Aug. 1/24	by <a href="#">Reg 178/2023</a>



## HEALTH

### Health News:

#### Bill-72: New Health Data Transfer Legislation Proposed in Canada

The Government of Canada recently introduced Bill-72, the [Connected Care for Canadians Act](#) (Act), to promote the secure transfer of health information and prevent data blocking. The Act is designed to support the government's initiative to establish an interoperable healthcare system and will permit the Ministry of Health to establish new regulations, set up a system to receive complaints, verify compliance and apply administrative monetary penalties for non-compliance. Health information technology encompasses hardware, software, integrated technologies, intellectual property and upgrades for creating, maintaining, accessing, using or exchanging electronic health information or for supporting these functions. The Act applies to all vendors in the health information technology space (any that license, sell or supply as a service). The Act aims to facilitate the creation of a single pan-Canadian technical standard for data exchange – a critical feat if successful, given that Canadian health services are delivered across different provincial and territorial healthcare systems. Read the [full article](#) by Imran Ahmad, Domenic Presta and Manpreet Singh with Norton Rose Fulbright Canada LLP.

#### Regulatory Amendments Impacting Drug and Medical Device Recalls Coming Into Force

On December 17, 2024, recent amendments to the [Food and Drug Regulations](#) (FDR) and the [Medical Devices Regulations](#) (MDR) relating to the recall of drugs and medical devices will come into force. These new requirements establish reporting and other obligations for industry when recalling (voluntarily or per an order from Health Canada) a drug or medical device. Details about the new requirements are set out below. In summary, they establish timelines within which manufacturers must report recalls to Health Canada, require the submission of a recall strategy and draft customer communications and establish requirements for post-recall reporting and record keeping. Read the [full article](#) by Sara Zborovski and Ian Trimble with Stikeman Elliot.

#### British Columbia Supreme Court Certifies Herbicide Class Action

The Supreme Court of British Columbia has certified a class action lawsuit involving claims that exposure to Syngenta Canada's Gramoxone products led to the development of Parkinson's disease in users. The Swiss-based defendants, Syngenta Canada and its subsidiaries, were involved in the production and distribution of agricultural chemicals, including Gramoxone, an herbicide that contains paraquat and that has been on the market since 1963. Read the [full article](#) by Bernise Carolino with *Canadian Lawyer*.

#### BC Class Action Launched for Alleged Negligent Misrepresentation of 'Safe' Opioid Program

The families of two teen girls, one deceased, who became addicted to opioids have brought a class action against the BC government and Health Canada. The class action claims that they became addicted due to the province's Safe/Safer Supply Program, a publicly funded prescription medication program. Health Canada shared responsibility for its implementation through its Substance Use and Addictions Program. The class was defined as all persons who purchased and consumed Safe Supply drugs believing they were safe or safer than illegal drugs because they originated from the program, regardless of whether that was the case. Family members of these individuals were also included. Read the [full article](#) by Anosha Khan with Law360 Canada.

Act or Regulation Affected	Effective Date	Amendment Information
Emergency Medical Assistants Regulation (210/2010)	Aug. 26/24	by <a href="#">Reg 254/2024</a>
Laboratory Services Regulation (52/2015)	Aug. 30/24	by <a href="#">Reg 160/2024</a>



## LABOUR & EMPLOYMENT

### Labour and Employment News:

#### Ongoing Obligations: How Failure to Comply with Termination



### Provisions Can Lead to Common Law and Punitive Damages

A recent decision from the Supreme Court of British Columbia (the "Court") in the case of *Klyn v. Pentax Canada Inc.*, [2024 BCSC 372](#) ("*Klyn v. Pentax*") serves as a reminder for employers of the importance of adhering to contractual termination provisions, even after employment has ended.

In *Klyn v. Pentax*, the Court found that an employer's failure to comply with the contractual termination terms negotiated with the employee, which had language limiting the employer's termination obligations, amounted to repudiation of an employment agreement. This resulted in an award of common law reasonable notice and punitive damages. Read the [full article](#) by [Erin Jackes](#) with McCarthy Tetrault LLP.

### B.C. Case Shows Accommodation for Mental Disorders Not a 'Get Out of Jail Free Card'

Accommodations for mental health disorders can not be used as a "get out of jail free card," a recent decision by the B.C. Human Rights Tribunal (HRT) affirmed.

However, the decision also highlights gray areas that can exist around employer responsibilities for providing accommodations for employees with mental disabilities, and the importance of documentation and disclosure.

Because of the "invisible" nature of some mental health conditions, the negative effects they can have on job performance can be overlooked if they're not disclosed, explains David Brown, partner at Ascent Employment Law in Vancouver. Read the [full article](#) by Stacy Thomas in the *Canadian HRReporter*.

### Hope, Skepticism as B.C. Gig-Worker Regulations Come into Force [September 3]

New employment standards for people who work through gig-based apps like Uber, DoorDash, Skip the Dishes and Lyft come into effect in British Columbia on Sept 3.

While the regulations include a minimum wage of \$20.88, workers' compensation coverage, and measures for pay transparency, some gig workers are still skeptical.

"It's good the legislation is coming, but this is not the legislation we asked for," Kuljeet Singh, an Uber driver in the Metro Vancouver area, said.

According to the province, the new regulations will set employment standards for the approximately 46,000 ride-hailing and delivery workers in B.C. Read the [CBC article](#).

### Withdrawal of Job Offer Rooted in Discrimination: BC Tribunal

The British Columbia Human Rights Tribunal has found that the province's Independent Investigations Office (IIO) discriminated against an Indigenous woman during a recruitment process.

The tribunal concluded that stereotypes related to the worker's race and sex influenced the IIO's decision to rescind a job offer.

The worker, who was of Metis background, applied for a position as an investigator with the IIO, an independent oversight body that investigates serious incidents involving police agencies. Read the [full article](#) by Jeffrey R. Smith in the *Canadian HRReporter*.

Act or Regulation Affected	Effective Date	Amendment Information
Degree Authorization Regulation (405/2003)	Sept. 1/24	by <a href="#">Reg 208/2024</a>
Employment and Assistance Act	Sept. 1/24	by 2024 Bill 7, c. 4, sections 1 to 3, 5 to 7, 13 and 14 only (in force by <a href="#">Reg 199/2024</a> ), <a href="#">Social Development and Poverty Reduction Statutes Amendment Act, 2024</a>
		by 2024 Bill 26, c. 25, section 28 only (in force by <a href="#">Reg 189/2024</a> ), <a href="#">Early Learning and Child Care Act</a>
Employment and Assistance Regulation (263/2024)	Aug. 1/24	by <a href="#">Reg 199/2024</a>
	Sept. 1/24	
Employment and Assistance for Persons with Disabilities Act	Sept. 1/24	by 2024 Bill 7, c. 4, sections 20 to 22, 24, 25, 28 and 29 only (in force by <a href="#">Reg 199/2024</a> ), <a href="#">Social Development and Poverty Reduction Statutes Amendment Act, 2024</a>
Employment and Assistance for Persons with Disabilities Regulation (265/2002)	Aug. 1/24	by <a href="#">Reg 199/2024</a>
	Sept. 1/24	
Local Assistant Fee Regulation (179/78)	<b>REPEALED</b>	by 2016 Bill 4, c. 19, section 56 (d) only (in force by <a href="#">Reg</a>

	Aug. 1/24	<a href="#">248/2024</a> ), <a href="#">Fire Safety Act</a>
Public Sector Employers Act	Aug. 1/24	by 2016 Bill 4, c. 19, section 68 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>



## MOTOR VEHICLE & TRAFFIC

### Motor Vehicle and Traffic News:

#### **Risky Business: Navigating Transport Canada's New Registration Requirement for Dangerous Goods**

"Dangerous goods" ("hazardous materials" in the United States) is a loaded term that brings to mind crude oil, lithium-ion batteries and explosives, but in fact covers perfume, paint, aerosols and other consumer goods. On October 25, 2024, Canada will begin requiring the registration of companies who transport dangerous goods and of companies that offer dangerous goods for transportation. The registration must be renewed and updated annually.

On October 25, 2023, new regulations under the [Transportation of Dangerous Goods Act](#) ("TDGA"), came into force. The regulations require all individuals and entities ("persons") involved in importing, offering for transport, handling, or transporting dangerous goods ("Dangerous Goods Activities") to register their corporation and operation sites in the newly established Client Identification Database ("CID"). To facilitate compliance with these new regulations, Transport Canada has allowed a 12-month grace period for CID registration, with the deadline being October 25, 2024. As this date approaches, it is essential for all regulated persons to comply with the new requirements to avoid potential penalties. This article provides an overview of the regulatory framework and highlights key requirements and considerations for persons engaged in Dangerous Goods Activities, ensuring a smooth transition and compliance with the new regulations. Read the [full article](#) by [Brian Lipson](#), [Audrey-Anne Delage](#) and [Tasia Ntwari](#) with McCarthy Tetrault LLP.

#### **B.C. Substantially Increases Dangerous Driving Impound Fees**

Following two summers marked by a surge in highway fatalities, the B.C. government is taking action to make roads safer and place higher penalties on those who drive dangerously.

Effective Sunday, Sept. 1, 2024, drivers engaging in reckless driving behaviour such as impaired driving, excessive speeding, street racing or driving without a licence will face significantly higher fees for the towing and storage of their impounded vehicles. Read the [government news release](#).

#### **Basic Competency Checklist for Transporting Dangerous Goods**

This document does not change, create, amend or suggest deviations to the [Transportation of Dangerous Goods Regulations](#) (TDG Regulations).

This basic competency list has been developed to complement the training requirements found in Part 6 of the TDG Regulations. The list does not replace the training requirements but provides guidance to anyone transporting dangerous goods. The [Transportation of Dangerous Goods Act](#) (TDG Act) and the TDG Regulations apply to all modes of transport and to any quantity of dangerous goods. Special cases (exemptions) in the TDG Regulations exclude certain situations or limit the requirements. Specific conditions are often associated with these special cases. If someone is using a special case, he or she must ensure that all the conditions identified in that special case are met. From [Transport Canada](#).

#### **BC Supreme Court Awards Over \$400,000 in Damages in Taxi Rear-End Accident Case**

The Supreme Court of British Columbia recently awarded \$413,666.35 in damages to a woman who sustained injuries in a motor vehicle accident [in [2024 BCSC 1453](#)].

In May 2015, the plaintiff was driving on 33rd Avenue in Vancouver, BC. After she stopped behind traffic, a taxi owned and operated by the defendants struck her vehicle from behind. The defendants were the cab driver and the taxi company. Read the [full article](#) by [Bernise Carolino](#) in the *Canadian Lawyer*.

#### **Top 10 Hiring Tips for Motor Carriers**

It is imperative for a motor carrier to maintain its safety fitness certificate(s) in good standing at all times. Failure to do so could jeopardize its operations. Much of this depends on its ability to hire and retain great drivers, which means that a carrier should make it a top priority to have robust hiring practices. One unsafe driver could cause a carrier's safety rating to change from satisfactory to conditional, or from conditional to unsatisfactory, triggering higher insurance costs, lost customers, or worse. In this article, we list the top 10 hiring tips for carriers when selecting drivers. Read the [full article](#) by Louis Amato-Gauci, Ellen Kim and Chloe Kyrtasakas with Miller Thomson LLP.

#### **Design, manufacture and use of UN Standardized drums, jerricans, boxes, bags, combination packaging, composite packaging and other packagings for the transport of dangerous goods, classes 3, 4, 5, 6.1, 8, and 9. (CAN/CGSB 43.150)**

The Canadian General Standards Board (CGSB) has released the draft of Safety Standard CAN/CGSB-43.150 for a 60-day consultation period. This standard is incorporated by reference within the [Transportation of Dangerous Goods Regulations](#) (TDG Regulations) and the new edition will come into force once published with a six-month phase-in (transitional) period.



Safety standard CAN/CGSB-43.150 sets out the requirements for design, manufacture and use of UN Standardized drums, jerricans, boxes, bags, combination packaging, composite packaging and other packagings for the transport of dangerous goods, classes 3, 4, 5, 6.1, 8, and 9. Read the [notice](#) from Transport Canada.

#### CVSE Bulletins & Notices

The following documents were posted recently by CVSE:

- [CVSE1001](#) – Routes Pre-Approved for 5.0 m OAW
- [NSC Bulletin 02-2023](#) – Publication of Carriers Cancelled for Cause
- [NSC Bulletin 01-2024](#) – Safety Rating Certificate and Status for B.C. Carriers

For more information on these and other items, visit the [CVSE website](#).

#### Passenger Transportation Board Bulletins

The following updates were recently published by the BC Passenger Transportation Board:

##### Applications Received

- [20647-24](#) – Valley Shuttle, Comox Taxi
- [20859-24](#) – Sunpreet Singh (Energetic Taxi Cab)
- [20622-24](#) – Explore Beyond Tours Inc.
- [20642-24](#) – Fantastic Limousine Services Ltd.

##### Application Decisions

- [PS TOP 20986-24](#) – Mack Limousine (Life Dream Limousine) [Approved]
- [PS TOP 21065-24](#) – Z's Limo Service (ZLS) Ltd. [Approved]
- [21084-24 PS TOP](#) – Rajwinder Singh Goraya (Canaccord Limousine Service) [Approved]
- [21085-24 PS TOP](#) – Xclusive Limousine Service Ltd. [Approved]
- [19654-24, 19738-24, 19739-24, 19740-24, 19748-24, 19741-24, 19749-24, 19658-24, 19901-24, 19982-24, 19773-24, 20000-24, 19882-24, 19891-24, 19892-24, 19775-24, 19894-24, 19895-24, 19973-24, 19883-24](#) – Black Top Cabs Ltd., Bonny's Taxi Ltd., Coquitlam Taxi (1977) Ltd., Delta Sunshine Taxi (1972) Ltd., Garden City Cabs of Richmond Ltd., Guildford Cab (1993) Ltd., Kimber Cabs Ltd., MacLure's Cabs Ltd, Newton Whalley Hi Way Taxi Ltd., North Shore Taxi (1966) Ltd., Queen City Taxi Ltd., Richmond Cabs Ltd., Royal City Taxi Ltd., Sunshine Cabs Limited, Surdell Kennedy Taxi Ltd., Tsawwassen Taxi Ltd., Vancouver Taxi Ltd. (PT 70538), Vancouver Taxi Ltd. dba Handicapped Cab (PT 70546), White Rock South Surrey Taxi Ltd., Yellow Cab Company Ltd. [Approved]

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

Act or Regulation Affected	Effective Date	Amendment Information
Motor Vehicle Act	Aug. 1/24	by 2016 Bill 4, c. 19, section 66 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>
	Aug. 7/24	by 2024 Bill 9, c. 10, sections 9 and 10 only (in force by <a href="#">Reg 144/2024</a> ), <a href="#">Miscellaneous Statutes Amendment Act, 2024</a>
Motor Vehicle Act Regulations (26/58)	Aug. 7/24	by <a href="#">Reg 144/2024</a>
Violation Ticket Administration and Fines Regulation (89/97)	Aug. 7/24	by <a href="#">Reg 144/2024</a>



## OCCUPATIONAL HEALTH & SAFETY

### Occupational Health and Safety News:

#### New Workplace First Aid Requirements

On November 1, 2024, amendments to the [Occupational Health and Safety Regulation](#) for occupational first aid will come into effect. These amendments align the OHS Regulation with standards set by the Canadian Standards Association (CSA). To meet the new requirements, BC employers will need to review their current first aid plans and adjust them if necessary. "We continue to work toward implementation of the upcoming changes to workplace first aid requirements," says senior prevention advisor, Diana Janke. "Over the past few months, we have launched the new workplace first aid curriculum. We also published several resources to help employers determine their minimum levels of first aid under the new requirements." Read the [full article](#) by Steven Gilstead in the Fall 2024 edition of WorkSafe Magazine.

### 19-Year-old Firefighter's Death Caused by 'Multiple Violations' against OHSA

The death of a 19-year-old firefighter in British Columbia was caused by multiple violations against the province's Occupational Health and Safety Act (OHSA), according to WorkSafeBC. Devyn Gale died on July 13, 2023. She was struck and trapped by a falling tree while clearing brush near a small fire. She was a member of the approximately 1,600-strong team of the BC Wildfire Service. In its investigation, WorkSafeBC found no evidence that the employer had not completed a dangerous tree assessment on the burning cedar at the site before the workers began their work, according to a Global News report. Read the [full article](#) by Jim Wilson on Canadian Occupational Safety.

### Upcoming Regulation Changes to Improve Tower Crane Safety

In 2021, a tower crane collapse in Kelowna took the lives of five workers, and earlier this year several crane-related incidents occurred, including a fatal incident in Vancouver that claimed the life of a worker. Since that time, comprehensive work has been done across the industry to bring more awareness, education, and resources to those working with tower cranes. We spoke to WorkSafeBC's Provincial Crane Inspection Team supervisor Jason Baia about a risk reduction strategy for tower cranes and a [new regulation](#) coming into effect on October 1, 2024. Read the [full article](#) by Tanya Colledge in the Fall 2024 edition of WorkSafe Magazine.

### BOD decision: Permanent Disability Evaluation Schedule Policy Updates – Ongoing Review

– from [WorkSafe BC](#)

On July 11, 2024, WorkSafeBC's Board of Directors approved amendments to the Permanent Disability Evaluation Schedule (Appendix 3) of the Rehabilitation Services & Claims Manual, Volume II, to enhance clarity and administrative efficiency for the loss of strength rating process. The amended policies apply to all decisions made on or after September 1, 2024

### OHS Policies/Guidelines – Updates

September 3, 2024

#### [Workers Compensation Act](#)

#### Online platform workers (app-based ride-hail and delivery services workers)

The following sections of the Act are enacted or amended in accordance with the [Labour Statutes Amendment Act, 2023](#), effective September 3, 2024.

- Part 1 Division 1 – Interpretation
  - [Section 1 Definitions](#) (amended)
  - [Section 1.1 Online platform workers](#) (enacted)
- Part 2 Division 15 – Regulations for OHS and Other Purposes
  - [Section 109 Lieutenant Governor in Council regulations](#) (amended)

The [Online Platform Workers Regulation](#) also came into effect on September 3, 2024, in accordance with Order in Council No. 341.

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

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



## PROPERTY, REAL ESTATE & CONSTRUCTION

### Property, Real Estate & Construction News:

#### Residential Tenancy Changes to Notice & Dispute Periods

On August 21, 2024, provisions of 2024 Bill 14, [Tenancy Statutes Amendment Act, 2024](#), were brought into force by [B.C. Reg. 251/2024](#). Both the [Residential Tenancy Act](#) and [Residential Tenancy Regulation](#) were amended to establish certain time periods related to a landlord ending a tenancy for personal use. Specifically, the changes apply when a landlord enters into an agreement to sell a rental unit in good faith and the purchaser of the unit requests the landlord to give notice to end the tenancy because the purchaser or a close family member of the purchaser intends, in good faith, to occupy the rental unit. In these circumstances, the notice period to end the tenancy must be at least 3 months after the date the tenant receives the notice. A tenant may dispute the notice by making an application for dispute resolution within 21 days after receiving the notice. If a landlord has given notice before August 21, 2024, the notice period and dispute period in effect immediately before that date continue to apply.

#### BC Court of Appeal Finds Strata Corporations Lack Standing to Sue Under REDMA

In [Findlay v. The Owners, Strata EPS401](#), the BC Court of Appeal ruled that BC strata corporations lack standing to bring claims under [section 22 of the Real Estate Development Marketing Act](#) ("REDMA") for damages arising out of a misleading disclosure statement. Findlay answers a long-outstanding question about the scope of REDMA claims, and offers significant, but not complete,

protection to developers of strata projects. Below, we summarize Findlay and our key takeaways from the decision. The case centred on the redevelopment of a residential apartment building into a strata property. After formally converting the property into 44 strata units, the developer began selling these strata units to individual purchasers. As required by [section 14 of REDMA](#), the developer filed a disclosure statement with the Superintendent of Real Estate that contained statements indicating several commitments to improve the strata property. The disclosure statement was signed by the developer's director and was incorporated by reference into every contract of purchase and sale between the developer and the initial purchasers of the strata units. Read the [full article](#) by Connor Bildfell and Nico Rullmann with McCarthy Tetrault.

### **BC Court Upholds Certificates of Pending Litigation in Property Dispute**

The BC Supreme Court dismissed an application to cancel five certificates of pending litigation (CPLs) against two properties, ruling that the plaintiffs' amended notice of civil claim (NOCC) sufficiently pleaded a claim to an interest in the properties. In *Oikon Developments Inc. v Chris & Mando Ltd.*, [2024 BCSC 1333](#), the plaintiffs claimed an interest in two properties, arguing they had entered into oral joint venture agreements with the defendants to improve and manage them. The properties include a single lot in Vancouver with three rental properties and four lots in Burnaby containing retail and office buildings. The plaintiffs claimed they provided various services under these joint ventures, such as construction, development, and management, but were not compensated as agreed. Read the [full article](#) by Angelica Dino with *Canadian Lawyer*.

### **BC Court Overturns RTB Decision Evicting Man on Disability**

The B.C. Supreme Court has overturned a Residential Tenancy Branch (RTB) decision that permitted the eviction of a Vancouver man on disability who spent months dealing with the fallout from the ministry's \$45 underpayment of his rent last year. Justice Lisa Warren called the government agency's ruling "patently unreasonable" in a [court decision](#) posted Tuesday [August 6]. The man moved into a downtown subsidized building for low-income individuals operated by the Kettle Friendship Society in February of 2023, according to the court judgment. Because the tenant receives disability assistance from the province, the Ministry of Social Development and Poverty Reduction directly and fully paid his \$420-a-month rent. But the ministry's payment for April 2023 was accidentally short \$45, Warren wrote. The underpayment would eventually lead to a fight over an eviction notice at the Residential Tenancy Branch. According to the court ruling, the tenant received two letters from the landlord informing him about the shortfall and then two warning letters over the next five months. The tenant said he paid the \$45 himself, though Warren wrote that he had difficulty providing evidence for that at the RTB hearing. Read the CBC [article](#).

### **Restrictive Covenants Not Wiped Out by New BC housing law, province admits**

The BC government acknowledged Tuesday [August 13] that housing legislation it passed to allow more housing units on single-family lots does not override old land-title covenants that could restrict the construction of multi-unit buildings on a property. How many land titles have such covenants or clauses is uncertain – the Ministry of Housing said it does not keep track – but some real estate experts said there are likely thousands. Andy Yan, director of Simon Fraser University's City Program, said the issue has been coming up in conversations among planners and real estate lawyers. Read the *Vancouver Sun* [article](#).

### **Tenant Background Checks: Balancing Screening and Privacy**

The Privacy Commissioner of Canada (the "Federal Commissioner"), the Information and Privacy Commissioner for British Columbia (the "B.C. Commissioner") and the Information and Privacy Commissioner of Alberta (the "Alberta Commissioner") [recently announced a joint investigation](#) into the privacy compliance of Certn, a Canadian company that offers tenant screening services across Canada. In particular, the commissioners stated that they will investigate whether Certn ensures that the information it collects, uses, and discloses for the purposes of tenant screening is sufficiently accurate, complete, and up to date, and whether the purposes for which it collects that information are appropriate. This announcement follows the B.C. Commissioner's [2018 investigation report](#) on tenant screening and algorithms. The announcement signals to landlords and property managers across Canada that privacy regulators are looking closely at privacy compliance in the real estate industry. The Federal Commissioner cautions that "[l]andlords, and the services that they employ, must comply with Canadian privacy laws." Accordingly, landlords and property managers should take steps to ensure that their tenant screening practices comply with all applicable privacy laws. In this blog post, we describe some of the main privacy laws that may apply to different types of tenant screening, including social media checks and criminal background checks. Read the [full article](#) by Jade Buchanan, Connor Bildfell, Curtis Chance and Juliet Watts with McCarthy Tetrault.

### **Electrical Planning & Depreciation Reports**

#### **Dear Tony:**

Can you confirm strata corporations can no longer be exempt from depreciation reports and must obtain an electrical planning report? At our annual meeting the property manager said we can still be exempt from the requirements for a depreciation report provided we vote to extend the period of exemption. We have been unable to confirm this information and while we are only a 35-unit townhouse complex, many owners have been pushing for a depreciation report before our buildings age significantly. – Jeremy S. North Vancouver

#### **Dear Jeremy:**

New legislation and regulations were brought into effect that apply to both depreciation reports and electrical planning reports. They are both now mandatory for strata corporations of 5 units or greater. This includes bare land, townhouse and apartment style strata buildings. The requirement for an electric planning report is now in effect and the reports must be completed for the defined areas, predominantly metro Vancouver and the Capital Region by December 31, 2026, and all other areas by December 31, 2028.

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

### "But the Plans Came With It": Cautionary Tales of Architectural Copyright Infringement

It happens all the time: one developer runs into financial difficulties with its project and another one swoops in, purchases the land and the plans, and completes it. Of course, when we say the second developer has 'purchased the plans', we really mean that they have purchased a licence to use those plans. In most cases, developers will not own the plans outright and will merely assign their rights and obligations under a design consultancy agreement to the purchaser. Read the [full article](#) by Aidan Andrews with Civic Legal LLP.

### Annual Rent Increase for 2025 Will be Tied to Inflation

The Province is tying the annual allowable rent increase in 2025 to inflation at 3%, down from this year's allowable increase of 3.5%. "Tying the allowable increase to inflation saves renters hundreds of dollars, over the previous government's policy of inflation plus 2%," said Ravi Kahlon, Minister of Housing. "At a time when we know renters are struggling, our rent cap protects renters against unfair rent hikes, while allowing landlords to meet rising costs so that rental homes can stay in B.C.'s housing market." The maximum annual allowable rent increase for 2025 cannot take effect prior to Jan. 1, 2025. Government policy prior to 2018 allowed for an additional 2% rent increase on top of inflation, costing the average B.C. family hundreds of dollars in additional rent. Read the government [news release](#).

### Difference Between Common and Limited Common Property

#### Dear Tony:

Our strata corporation is struggling over the issue of heat pumps for suites, especially those facing south. We understand the lack of cooling is making the units unbearable during heat cycles, and we want to give relief to owners, but there is a concern the strata corporation is going to be left with installations that result in damages to our buildings with no chance of having the users pay the cost. Our decks, balconies and patios are all limited common property, and owners argue the strata corporation cannot prohibit alterations on common property. What's the difference and how do we resolve this? – Jeremy C. Richmond

#### Dear Jeremy:

There are 3 types of designated property on strata plans. The strata lot, common property and limited common property (LCP). Under the definitions of the [Strata Property Act](#), limited common property is common property that is designated for exclusive use.

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

Act or Regulation Affected	Effective Date	Amendment Information
Real Estate Development Marketing Regulation (505/2004)	Sept. 1/24	by <a href="#">Reg 183/2024</a>
Real Estate Services Act	Aug. 1/24	by 2004 Bill 41, c. 42
Real Estate Services Regulation (506/2004)	Aug. 1/24	by Reg 506/2004
Residential Tenancy Act	Aug. 21/24	by 2024 Bill 14, c. 19, section 37 (c) (part) and (f) only (in force by <a href="#">Reg 251/2024</a> ), <a href="#">Tenancy Statutes Amendment Act, 2024</a>
Residential Tenancy Regulation (477/2003)	Aug. 21/24	by <a href="#">Reg 251/2024</a>
Strata Property Act	Aug. 1/24	by 2016 Bill 4, c. 19, section 69 only (in force by <a href="#">Reg 248/2024</a> ), <a href="#">Fire Safety Act</a>

### 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.ca.ca](mailto:info@quickscribe.ca.ca)

Website: [www.quickscribe.bc.ca](http://www.quickscribe.bc.ca)

Toll Free: 1-877-727-6978 | Phone: 1-250-727-6978