

Free Crown Grant Policy, Civil Liability, Drinking Water Officer

Civil Liability Review Ends

The Attorney, General Geoff Plant, advised in response to a question during discussion of his Ministry budget that the Civil Liability Review has ended.

UBCM and MIA had hoped that the Civil Liability Review would lead to recommendations with respect to reforming joint and several liability and ultimate limitation periods.

The following is an excerpt from Hansard:

R. Sultan: *I think it would be very helpful if the Attorney General could give just a brief status report on where it is that the (civil liability) review stands today and when it might see the light of day.*

Hon. G. Plant: *I'd be happy to try to provide an overview and a status report. The member is right. It was really, I think, as long ago as November of 2001 that I first raised the subject of whether or not it was time to have a look at some areas of civil liability. It seemed to me that there were some good questions that could be asked about the fairness to both plaintiffs and defendants of the state of the development of the law in some areas. Then in 2002 we took that idea and formalized it into a public discussion paper and process where we invited submissions from the public in response to a series of questions, with a general request that people come forward with ideas for law reform in this area in addition to the half dozen or so specific issues that*

were identified in the discussion paper.

There were quite a number of responses and, as you might expect in this sort of thing, a diverse range of responses. There were certainly some responses from people in the building industry, including architects, engineers, contractors. Also, as the member points out, the municipal governments were concerned about whether or not the state of the law with respect to joint and several liability was placing them at unfair risk in circumstances where there might be a judgment against a number of defendants and only one of the defendants would be solvent. That defendant might be left holding the bag for a large judgment in favour of a plaintiff, out of proportion to their own proportionate share of the loss.

We also heard concerns from victims groups, from the plaintiffs' personal injury bar, from the plaintiffs' bar generally and from groups concerned about issues like leaky condos and so on, saying that they thought there was no case made out for reform. Government spent a fair bit of time looking at all of these issues. In the end result — last week, in fact — government made the decision not to proceed with law reform in these areas at this time.

The ideas that had been put on the table in this discussion — including Limitation Act reform, joint and several liability law reform, legislative reforms to vicarious liability or the special branch of vicarious liability called the non-delegable duty doctrine, the question of whether we should change the rule of costs in the Class Proceedings Act.... When government looked at all of those things, the government decided that the case for reform had not been made out. So that really brings to an end the civil liability review.

New Crown Land Disposition Policy and Procedure

UBCM members should soon receive information on the new Free Crown Grant and Nominal Rent Program.

Cabinet may provide Crown land to local governments and public service agencies at little or no cost for certain public purposes through Free Crown Grants, where title is transferred at no cost and Nominal Rent Tenures, where leases and licences of occupation are issued for nominal rent.

Two new requirements now apply to applications for use of Crown land:

- Applicants first need to receive sponsorship from an appropriate ministry before submitting their application to Land and

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Water BC. In the case of local government this will be Ministry of Community, Aboriginal and Women's Services.

- Applicants will also be required to demonstrate how their application meets government approved selection criteria.

The selection criteria are:

1. Proposal meets regional, local or First Nations community priorities
2. Generates local or regional economic benefits
3. Contribution to community health, safety or education
4. Supports sustainable infrastructure development
5. Contribution to environmental quality
6. Other support (\$ or in kind) contingent on access to Crown land

Steps in the process are:

1. Confirm eligibility with LWBC, identify appropriate sponsor.
2. Obtain ministry sponsorship.
3. Submit application to LWBC, with letter of support from sponsor ministry.
4. LWBC processes application, including referral to other agencies.
5. Cabinet decision. Grant or tenure issuance if approved.

MCAWS has a 2004/05 budget available of \$9.5 million of which \$3.0 million is ear marked for heritage devolution; \$2.5 for already identified proposals and \$4.0 million for new applications.

Provincial Drinking Officer Appointed

The province has appointed Barry Boettger as the first provincial drinking water officer under the Drinking Water Protection Act. The new drinking water officer will work with the Provincial Health Officer to ensure water suppliers and health authorities are accountable for delivering safe and clean water.

A total of \$2 million per year has been allocated from the Ministry of Health Services to the health authorities to hire new locally based drinking water protection officers. These officers will have the full powers to investigate complaints, require testing and assessments of water sources, co-ordinate source protection and take other steps to ensure the safety and quality of drinking water. Funding to the BC Centre for Disease Control has been increased by \$100,000 to support these increased monitoring and reporting requirements.

List of 2004 In the House

As the Spring session draws to a close this week, we recap the In the House circular coverage:

Feb. 17	Provincial Budget Highlights
March 29	Funding Announcement and New Legislation
April 8	Community Charter Update: Concurrent Regulations
Apr. 30	Treaty Related ALC Act Amendments; New Bylaw Adjudication Process Launches
May 20	New Legislation: Bills of Particular Interest to Local Government
	Summaries of all 2004 legislation available on civicnet.bc.ca under publications/In the House

Back issues can be accessed through CivicNet.

UBCM members should also be alerted to the recent circulars on:

- interest in expanding the bylaw adjudication process
- results of recent streamside protection regulation workshop