

Legislative Highlights

Outlined is an update on new legislative measures that have been introduced that may be of interest to local government.

Bill 9 - Wood First Act

Wood First Act aims to increase demand for wood products by requiring provincially-funded building projects to use wood as the primary construction material.

The Wood First Act provides the basis on which the Province can recommend best practices and report on the use of wood in provincially-funded buildings. The government will implement this requirement through new procurement standards. Additional consultation will occur as the Province develops best practices and a reporting structure to support the legislation. Local governments may be faced with additional construction costs and reporting requirements in constructing new buildings or adding additions to existing buildings where the province has provided funding for the project.

British Columbia is actively encouraging other provinces and the federal government to implement a pan-Canadian, wood-first policy. The Wood First Act also builds on amendments to the B.C. Building Code that allow for six-storey, wood-frame construction. Starting with Alberta and Saskatchewan, British Columbia is working to extend the six-storey wood-frame building code across the country.

Bill 13 - The Miscellaneous Statutes Amendment Act, 2009

Assessment Act – Amendments pertain to strata accommodation properties and supportive housing.

- An amendment ensures, for 2009 and beyond, new

strata accommodation developments will be split-classified to reflect actual use for both residential and commercial purposes, where applicable. Properties grandfathered in 2007 under the act will continue to be classified as class 1 (residential), as long as all regulatory requirements continue to be met. The amendment is intended to clarify and address issues that have arisen in strata developments in resort areas such as Whistler, Big White and Sun Peaks.

- An amendment broadens the definition of eligible supportive housing property to include those funded by regional health authorities. If the property is designated under the supportive housing property class, the assessed value of the land and improvements is reduced to two dollars, resulting in nominal property taxes. This will result in approximately 40 health authority properties across British Columbia being eligible for designation on the 2010 assessment roll.

Municipalities Enabling and Validating Act – Amendments will provide the municipalities of Vancouver, Richmond and Whistler with temporary enforcement powers to enable them to swiftly remove illegal signs and graffiti during the 2010 Olympic and Paralympic Winter Games. The legislation does not change the existing scope of authority to regulate signs and graffiti. Rather, it provides, on a temporary basis, a faster way of removing signs and graffiti that violate municipal bylaws during the short period the Games are underway.

Treaty First Nation Taxation Act - The legislative amendments are intended to ensure that the Tsawwassen First Nation, as a taxing treaty First Nation, is treated in a manner consistent with municipalities when it comes to property taxation powers and exemptions. The amendments will not increase the tax burden to any person living on Tsawwassen treaty land. The amendments will also be applicable to the Maa-nulth First

Nations and other taxing treaty First Nations after their final agreement takes effect.

Amendments to the legislation:

- exempts from taxing treaty first nation property taxation land or improvements that are owned or held by a taxing treaty first nation or by a taxing treaty first nation jointly with a municipality or a regional district;
- makes treaty land that is owned by a taxing treaty first nation but occupied by someone other than the treaty first nation taxable in the hands of that other person;
- authorizes the Lieutenant Governor in Council to make regulations for the purposes of the Act, including regulations establishing the maximum penalty rate that a treaty first nation may apply to taxes paid after their due date.

Amendments were also introduced to the Manufactured Home Tax Act, Tourist Accommodation (Assessment Relief) Act related to First Nation taxation.

Bill 15 - Motor Vehicle Amendment Act

Changes to the Motor Vehicle Act (MVA) upon legislative approval are to take effect on Jan. 1, 2010. At that point, only hands-free cellphones and devices that require one touch to activate will be permitted. Drivers in the Graduated Licensing Program (GLP) will not be permitted to use hands-free phones in addition to other prohibited activity.

A new fine in the amount of \$167 will begin to be levied on Feb. 1, 2010. If drivers are caught texting or emailing they will receive an additional three penalty points. Further, drivers in the GLP will receive the \$167 fine and three penalty points for any violation of this legislation.

Prohibited actions and devices

- No operating or holding hand-held cellphones or other electronic devices.
- No sending or reading emails and/or texting (e.g., BlackBerry, PDA, cellphone).
- No operating or holding hand-held music or portable gaming devices (e.g., MP3 players, iPods).
- No manual programming or adjusting GPS systems, whether built into the vehicle or not, while driving. Settings must be programmed before driving.

Permitted actions and devices

Hands-free cellphones that are built in or securely fixed

to the vehicle, and used by pressing a single button - once only - in order to activate a hands-free device for incoming or outgoing calls.

- Pre-programmed and voice-activated GPS devices.
- Two-way radios for industry (e.g., trucking, logging, oil and gas).
- Any of the above devices can be used if the vehicle is legally parked and not impeding traffic.
- Call 9-1-1 to report an emergency.

Graduated License Drivers (GLP)

- In addition to the above restrictions and permitted actions, new drivers are prohibited from using hands-free communications devices, (e.g., cellphones), while driving.

Exemptions to the legislation include police, fire and ambulance personnel who may need to make calls in the performance of their duties, and motorists who need to call 9-1-1.

Bill 16 - Body Armour Control Act

Highlights of the act include:

- Enhancing public safety by placing controls on the possession of body armour and by providing police with the authority to seize body armour from those who are not authorized to possess it.
- Licensing businesses and their employees who sell body armour, under the Security Services Act.
- Requiring body armour applicants to obtain permits that prove a reasonable need for the possession of body armour.
- Requiring applicants to undergo a criminal record check.
- Individuals found in contravention of this act can be fined up to \$10,000 and incarcerated for up to six months.
- Businesses found in contravention of this act can be fined up to \$100,000 and their officers incarcerated for up to six months.

Businesses and individuals will have six months to comply once the new legislation comes into force. Under the act, police have the ability to seize body armour that is illegally sold or possessed. Workers whose jobs require them to wear body armour will be exempt from having to carry a permit. They include police officers, sheriffs, corrections officers, conservation officers, armoured car guards, security guards, security consultants and private investigators.