



LEGISLATIVE UPDATE

BILL 8 – 2011

COMMUNITY, SPORT AND CULTURAL DEVELOPMENT AMENDMENT ACT

The Act introduces amendments to the Assessment Act, Community Charter, Local Government Act, Vancouver Charter, School Act, Taxation (Rural Area) Act and the Municipal Finance Authority Act. (see IN THE HOUSE – Legislative Update – November 9, 2011 for details see: <http://www.ubcm.ca/assets/library/Publications/In~The~House/2011>)

The legislation was passed on February 21, 2012.

BILL 20 — 2011

AUDITOR GENERAL FOR LOCAL GOVERNMENT ACT

The Act establishes a Municipal Auditor General for local government. (see IN THE HOUSE – Auditor General for Local Government Act – November 24, 2012 for details see: http://www.ubcm.ca/assets/library/Publications/In~The~House/2011/UBCM_Provincial_InTheHouse_24November2011.pdf)

The legislation was passed on March 27, 2012, the debate on the legislation took place on March 26, 2012 and March 27, 2012 and can be found at (<http://leg.bc.ca/hansard/8-8.htm>)

BILL 24 — 2012

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ACT, 2012

The Act provides the province with additional powers to manage the process:

- authorizes the minister to make, change or disallow bylaws of the society respecting enforcement of the Act.
- authorizes the minister to require the society to make reports.
- provides for the review and appeal of decisions made by authorized agents and the society in relation to taking animals into custody, to the disposition of animals and to costs.
- adds a power for persons appointed by the minister to exercise the powers of authorized agents in parts of British Columbia in which no authorized agent is acting.

BILL 25 — 2012

MISCELLANEOUS STATUTES AMENDMENT ACT, 2012

The Act introduces amendments to the Local Government Act and the Assessment Act.

Local Government Act, sections 6.51, 200.1, 794.1, 797.31 and Section 787

The following changes are proposed:

- adds provisions concerning reasonable notice by a regional district, interference with regional district officers and employees, public access to regional district records and referenda.
- allows the board of a regional district to appoint an alternate electoral area director if an electoral area director declines to appoint an alternate.

Outlined below are the detailed amendments that were introduced:

Local Government Act

8 *The Local Government Act, R.S.B.C. 1996, c. 323, is amended by adding the following sections:*

Notice by regional district: obligation satisfied if reasonable effort made

6.51 If this or another Act requires a regional district, a board or a regional district officer or employee to give notice or

to mail, send or deliver a notice, the obligation is satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

Prohibition against interfering with regional district officers and employees

200.1 A person must not interfere with, hinder or obstruct a regional district officer or employee in the exercise or performance of his or her powers, duties or functions.

Public access to regional district records

794.1 (1) In addition to the public access provided by the *Freedom of Information and Protection of Privacy Act*, a board may, by bylaw, provide for public access to its records and establish procedures respecting that access.

(2) If an enactment requires that a regional district record be available for public inspection, that obligation is met by having the record available for public inspection at the regional district offices during regular office hours.

(3) If a regional district record is available for public inspection, a person may have a copy made of all or part of the record on payment of any applicable fee the board establishes under section 363 [*imposition of fees and charges*].

(4) A person inspecting a record of a regional district must not, without authorization, remove the record from the place where it has been provided for inspection.

(5) An obligation under section 97 of the *Community Charter*, as that section applies to regional districts under section 794 of this Act, to provide public access to a regional district record does not apply to records that must not be disclosed under the *Freedom of Information and Protection of Privacy Act*.

Board may seek regional district opinion

797.31 (1) Without limiting section 797.3, a board may seek the opinion of the electors of the regional district on a question that the board believes affects the regional district, by voting or another process the board considers appropriate.

(2) If a board seeks an opinion under this section, the board must seek the opinion of the electors of the entire regional district.

(3) The results of a process under this section are not binding on the board.

(4) The board is responsible for conducting the voting or other process under this section.

(5) The seeking of an opinion under this section is deemed to be general administration within the meaning of section 800 (2) **(a)**.

9 Section 787 is amended

(a) by repealing subsection (1) and substituting the following:

(1) Within 60 days of an electoral area director being elected, or of the office of an alternative director appointed under this section for the electoral area director becoming vacant through resignation, disqualification or death, an electoral area director must appoint, as an alternate director, a person who has the qualifications necessary to be nominated as a director for that electoral area.

(1.1) If an electoral area director does not appoint an alternate director in accordance with subsection (1), the board must, by resolution, appoint a person who has the qualifications necessary to be nominated as a director for that electoral area as alternate director for the electoral area **director**.

(b) in subsection (2) by striking out "subsection (1)" and substituting "subsection (1), (1.1) or (4) (b)",

(c) by adding the following subsection:

(3.1) An appointment under subsection (1.1) takes effect when the resolution making the appointment is passed and the alternate director so appointed holds office until the next general local **election**.

(d) in subsection (4) (b) by adding ", by resolution," after "the board must", and

(e) in subsection (6) by striking out "An alternate director" and substituting "An alternate director appointed by an electoral area director".

Assessment Act - Section 19

The following changes are proposed:

- provides for an owner of a strata lot or a leasehold accommodation property supplying prescribed information in the form of an average number for all of the strata lots in the strata plan or all of the accommodation units in the leasehold accommodation property;
- provides that the average number supplied is deemed to be supplied in respect of the strata lot or each accommodation unit unless the owner supplies information specific to the strata lot or an accommodation unit.

BILL 26 — 2012**FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2012**

The Act introduces amendments to the Occupiers Liability Act with respect to the use of resource roads, the Forest Act with respect to road closure notices and the Wildlife Act regarding the fighting of forest fires.

Occupiers Liability Act, Section 1, Section 3.1, Section 8 & Section 10

The following changes are proposed:

- adds definitions of “limited liability entity”, “maintainer”, “motor vehicle” and “resource road” to the Act.
- provides that persons who enter onto or otherwise use resource roads do so at their own risk, except in certain specified situations.
- applies to the government the limited duty of care provisions of this Act in relation to resource roads.
- provides authority for the Lieutenant Governor in Council to make regulations.

Outlined below are the detailed amendments that were introduced:

13 *Section 1 of the Occupiers Liability Act, R.S.B.C. 1996, c. 337, is amended by adding the following definitions:*

“limited liability entity”, in relation to a resource road, means either of the following, including any employees and contractors:

- (a) the maintainer, if any, of the resource road;
- (b) the government;

“maintainer”, in relation to a resource road, means the person obligated or authorized under an enactment to maintain the resource road, but does not include a prescribed person or a person within a prescribed class of persons;

“motor vehicle” means a vehicle that is

- (a) intended to be self-propelled, and
- (b) designed primarily for travel on land on surfaces other than rails;

“resource road” means any road or portion of a road that is

- (a) on Crown land, and
 - (b) used or intended for use by motor vehicles,
- but does not include a municipal highway or a provincial public highway as those terms are defined in *the Transportation Act* .

14 *The following section is added:*

Duty of care of limited liability entities

3.1 (1) Subject to subsection (2), a person who enters onto or otherwise uses a resource road is deemed to have willingly assumed all risks, and a person who is, in relation to the resource road, a limited liability entity is subject only to the duty of care set out in section 3 (3) and, for that purpose, a reference in section 3 (3) to an occupier is deemed to include a reference to a limited liability entity.

(2) Subsection (1) does not, in any of the following circumstances, apply to limit the duty of care to which a limited liability entity is subject in relation to a resource road:

- (a) the limited liability entity requires employees, contractors or agents to enter onto or otherwise use the resource road and the person in relation to whom the duty of care is owed is such an employee, contractor or agent who has entered onto or is otherwise using the resource road in that capacity and in accordance with that requirement;
- (b) the limited liability entity is the maintainer of the resource road and the person in relation to whom the duty of care is owed is
 - (i) transported by the maintainer, or
 - (ii) a prescribed person or a person within a prescribed class of persons;
- (c) the limited liability entity has, under another enactment or at law, more extensive protection from liability than the protection provided under subsection (1).

(3) A reference in sections 4 and 5 to an occupier in relation to premises is deemed to include a reference to a limited liability entity in relation to a resource **road**.

Forest Act – Section 121

The following changes are proposed:

- authorizes the minister to establish a form of road closure notice, allows road closure notices to be published or broadcast, or both, in any manner considered by the minister to be appropriate and clarifies when a discontinuance and closure effected by the notice occur.

Wildfire Act - Section 7 and Section 72

The following changes are proposed:

- provides a requirement for a person in a prescribed class of persons to abate a fire hazard.
- provides authority to prescribe classes of persons, time periods, areas and the extent to which a fire hazard must be abated.

BILL 28 — 2012

CRIMINAL ASSET MANAGEMENT ACT

The Act establishes a comprehensive regime for the management of assets restrained, seized and forfeited under the *Criminal Code* and other statutes.

BILL 30 — 2012

ENERGY AND MINES STATUTES AMENDMENT ACT, 2012

Strata Property Act - Section 94, Section 103 & Section 292

The following changes are proposed:

- clarifies when first depreciation reports must be submitted.
- requires strata corporations to distribute audited financial statements within 4 months of the fiscal year end except under certain conditions.
- authorizes the Lieutenant Governor in Council to make different regulations for different classes of lots or strata corporations.

Oil and Gas Activities Act - Section 76

The following changes are proposed:

- authorizes the carrying out of the specified activities near a pipeline either under an agreement with the pipeline permit holder that references a class of activities or in accordance with the regulations. The change will allow local governments to enter into agreements with pipeline companies around a range of activities around pipelines.
- requires that the commission consider a request by a municipality to undertake construction activity around a pipeline, and allow the activity provided it meets the conditions the commission feels is necessary to protect the pipeline.

Oil and Gas Activities Act - Section 99

The following changes are proposed:

- provides increased clarity on how costs are allocated when undertaking construction activity around a pipeline.

Expropriation Act – Section 2

The following changes are proposed:

- provides that certain regulations and orders under the **Oil and Gas Activities Act** prevail over provisions of the *Expropriation Act* in the case of an inconsistency when it comes to work (or construction) on a highway/road in and around a pipeline by a municipality.

Outlined below is the detailed amendment that was introduced:

(1.3) Despite subsection (1), if there is an inconsistency between a provision of this Act and a provision of either a regulation under section 99 (1) (m.1) of the *Oil and Gas Activities Act* or an order under section 76 (6) of that Act, the provision of the regulation or order prevails.