
**MISCELLANEOUS STATUTES AMENDMENT
ACT (No. 2), 2000**

CHAPTER 26

Assented to July 6, 2000

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Assessment Act

1 *Section 20 of the Assessment Act, R.S.B.C. 1996, c. 20, is amended by repealing subsection (5) and substituting the following:*

(5) For the purposes of the definition of "cost of industrial improvement" in subsection (1), subject to the prior approval of the Lieutenant Governor in Council, the commissioner by order may establish or adopt by reference manuals establishing rates, formulas, rules or principles for the calculation of the cost of replacing an existing industrial improvement described in that definition.

(5.1) Copies, in print or electronic format, of the manuals established or adopted under subsection (5) must be

(a) kept at the offices of the British Columbia Assessment Authority, and

(b) made available for public inspection at those offices during normal office hours.

2 *Section 20.1 is amended*

(a) by repealing subsection (3) (b) and substituting the following:

(b) the cost of

(i) the dams, power plants and substations on the property, and

(ii) any other improvements on the property,

determined in accordance with the manuals described in subsection (4) of this section, less depreciation determined in accordance with the rates and applied in the manner prescribed under subsection (4.1) of this section. ,

(b) by repealing subsection (4) and substituting the following:

(4) For the purposes of this section, subject to the prior approval of the Lieutenant Governor in Council, the commissioner by order may establish or adopt by reference manuals establishing rates, formulas, rules or principles for the calculation of cost.

Section 3

- (4.1) For the purposes of this section, the Lieutenant Governor in Council may make regulations prescribing depreciation rates and principles for the application of depreciation. ,
- (c) *in subsection (5) by striking out* “Regulations under subsection (4)” *and substituting* “Orders under subsection (4) and regulations under subsection (4.1)”, *and*
- (d) *by adding the following subsection:*
- (6) Copies, in print or electronic format, of the manuals established or adopted by order under subsection (4) must be
- (a) kept at the offices of the British Columbia Assessment Authority, and
 - (b) made available for public inspection at those offices during normal office hours.

Criminal Records Review Act

- 3 ***Section 6 of the Criminal Records Review Act, R.S.B.C. 1996, c. 86, is amended***
- (a) *in subsection (3) by striking out* “in section 33 (n)” *and substituting* “in section 33 (n) or (p)”, *and*
- (b) *in subsection (4) by striking out* “sections 33 (n)” *and substituting* “sections 33 (n) and (p)”.

Crown Counsel Act

- 4 ***The Crown Counsel Act, R.S.B.C. 1996, c. 87, is amended by adding the following section:***

British Columbia Crown Counsel Association Agreement

4.1 (1) In this section:

“**BCCCA**” means the British Columbia Crown Counsel Association, a society incorporated under the *Society Act*;

“**Crown counsel**” means an individual described in section 4 (1) who is an “employee” as defined in section 1 of the *Public Service Act* but does not include

- (a) the Assistant Deputy Attorney General,
- (b) the Director, Special Justice Programs,
- (c) the Executive Director, Criminal Justice Branch,
- (d) the Regional Crown counsel,
- (e) the Deputy Regional Crown counsel,
- (f) the Director, Criminal Appeals,
- (g) the Director, Legal Services,
- (h) the Communications Officer,
- (i) the Director, Policy and Legislation,

- (j) the Deputy Director, Commercial Crime,
- (k) the Deputy Director, Criminal Appeals, and
- (l) the persons in other positions specified by agreement of the employer and the BCCCA;

“employer” means the government represented by the Public Service Employee Relations Commission.

- (2) The BCCCA is the exclusive bargaining agent for all Crown counsel and is authorized to enter into agreements with the employer which must include all matters affecting wages or salary, hours of work and other working conditions, except the following:
 - (a) the principle of merit and its application in the appointment and promotion of employees, subject to section 4 (3) of the *Public Service Act*;
 - (b) a matter included under the *Public Sector Pension Plans Act*;
 - (c) the organization, establishment or administration of the ministries and branches of the government, except the effect of reductions in establishment of employees, which must be negotiated by the parties;
 - (d) the application of the system of classification of positions or job evaluation under the *Public Service Act*;
 - (e) the procedures and methods of training or retraining of all employees not affected by section 15 of the *Public Service Labour Relations Act*, other than training programs administered with a branch or ministry that apply to one occupational group only.
- (3) The employer and the BCCCA must bargain collectively in good faith and make every reasonable effort to conclude agreements referred to in subsection (2).

Dentists Act

5 *The Dentists Act, R.S.B.C. 1996, c. 94, is amended by adding the following section:*

Power to make regulations

- 87 Without limiting any other power the Lieutenant Governor in Council may have to make regulations under this Act, the Lieutenant Governor in Council may make regulations respecting retention of records including, without limitation, regulations respecting the following:
- (a) the records or classes of records that must be retained by persons to whom this Act applies, including, without limitation, by the persons who are qualified and permitted under this Act to practise dentistry in British Columbia;
 - (b) the basis on which and the circumstances in which the records that must be retained by a person referred to in paragraph (a) may be retained by another person;

Section 6

- (c) the manner in which, the locations at which and the persons by which any or all of those retained records may or must be retained, and the circumstances and manner in which any or all of those retained records may or must be moved to any other location or person;
- (d) the period for which any or all of the retained records must be retained;
- (e) access to the retained records including, without limitation, the hours during which, the persons to which and the manner and circumstances in which access to or extracts or copies of any or all of the retained records must be provided;
- (f) the fees, if any, that may be charged by any person having custody of any or all of the retained records for the provision by that person of access to or extracts or copies of any or all of the retained records;
- (g) establishing offences and prescribing penalties for any breach of any of the regulations made under this section;
- (h) any other matter the Lieutenant Governor in Council considers appropriate in relation to records that must be retained under the regulations made under this section.

Employment Standards Act

- 6 *Section 1 (1) of the Employment Standards Act, R.S.B.C. 1996, c. 113, is amended by adding the following definition:*

“silviculture contractor” means an employer who employs one or more silviculture workers to fulfill contracts involving reforestation field work; .

- 7 *The following section is added:*

Silviculture contractors must be licensed

12.1 A person must not act as a silviculture contractor unless the person is licensed under this Act.

Section 50 is amended

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

- (1) A pregnant employee who requests leave under this section is entitled to up to 17 weeks of unpaid leave
 - (a) beginning
 - (i) no earlier than 11 weeks before the expected birth date, and
 - (ii) no later than the actual birth date, and
 - (b) ending
 - (i) no earlier than 6 weeks after the actual birth date, unless the employee requests a shorter period, and

(ii) no later than 17 weeks after the actual birth date, *and*

(b) *in subsection (5) by striking out* “subsection (1) (b) must” *and substituting* “subsection (1) (b) (i) must”.

9 Section 51 is amended

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

(1) An employee who requests parental leave under this section is entitled to,

(a) for a birth mother who takes leave under section 50 in relation to the birth of the child or children with respect to whom the parental leave is to be taken, up to 35 consecutive weeks of unpaid leave beginning immediately after the end of the leave taken under section 50 unless the employer and employee agree otherwise,

(b) for a birth mother who does not take leave under section 50 in relation to the birth of the child or children with respect to whom the parental leave is to be taken, up to 37 consecutive weeks of unpaid leave beginning after the child's birth and within 52 weeks after that event,

(c) for a birth father, up to 37 consecutive weeks of unpaid leave beginning after the child's birth and within 52 weeks after that event, and

(d) for an adopting parent, up to 37 consecutive weeks beginning within 52 weeks after the child is placed with the parent, *and*

(b) *in subsection (4) by striking out* “is limited to 32 weeks” *and substituting* “is limited to 52 weeks”.

10 Section 127 (2) (c) and (d) is repealed and the following substituted:

(c) respecting the licensing of employment agencies, talent agencies, silviculture contractors and farm labour contractors and the suspension or cancellation of their licences;

(d) respecting the duties of employment agencies, talent agencies, silviculture contractors and farm labour contractors; .

Fisheries Act

11 Section 12 of the Fisheries Act, R.S.B.C. 1996, c. 149, is amended by adding the following definition:

“**finfish aquaculture**” means the growing and cultivation of fish of the class Agnatha, Chondrichthyes or Osteichthyes, for commercial purposes, in any water environment or in human made containers of water; .

12 Part 3 is amended by adding the following sections:

Aquaculture Research and Development Trust Fund

- 26.1** (1) The Aquaculture Research and Development Trust Fund is established as a trust fund.
- (2) The minister is the trustee of the trust fund.
- (3) The minister may make payments out of the trust fund for one or more of the following purposes:
- (a) to initiate, support or conduct
 - (i) research into and development of finfish aquaculture technologies, methods and practices,
 - (ii) assessments of the social, environmental and economic impacts of finfish aquaculture, and
 - (iii) educational, promotional or other programs respecting finfish aquaculture or the trust fund;
 - (b) to pay the reasonable travelling and out of pocket expenses incurred by persons advising the minister on matters relating to the trust fund;
 - (c) to pay any costs associated with administration, services and supplies provided in relation to matters referred to in paragraphs (a) and (b) or provided to otherwise manage the trust fund.
- (4) The following must be paid into the trust fund:
- (a) levies and penalties collected under a regulation under section 26.2 (2);
 - (b) revenue derived from fund raising and the sale of promotional, educational or other materials, goods or services under subsection (3) (a) (iii) of this section;
 - (c) money acquired by gift, donation or bequest for the purposes of the trust fund;
 - (d) money received as contributions
 - (i) under an appropriation or requisition, or
 - (ii) from the government of Canada, the government of another province, first nations, local governments or others;
 - (e) any interest and other income of the trust fund.

Finfish aquaculture research and development

- 26.2** (1) In this section, “operator” means a person required to be licensed under section 13 (5) who carries on the business of finfish aquaculture.
- (2) The Lieutenant Governor in Council may make regulations as follows:
- (a) requiring operators to pay a levy for the purposes of section 26.1 (3) (a) to (c), in the manner and within the time prescribed;
 - (b) establishing the amount, or the method of determining the amount, of a levy under this section;

- (c) designating an employee of the government as the collector of the levies for payment into the trust fund under section 26:1 (4) and providing for the collection of those levies;
 - (d) providing for the imposition of penalties to enforce payment of the levies, including, without limitation, the suspension or revocation of a licence issued under this Part;
 - (e) providing for the recovery of the levies and penalties in a court of competent jurisdiction.
- (3) A regulation under subsection (2) may
- (a) classify operators for the purpose of the regulation
 - (i) according to different finfish aquaculture technologies, methods or practices employed, or
 - (ii) on any other basis the Lieutenant Governor in Council considers appropriate, and
 - (b) provide differently for different classes of operators.

Forest Act

13 *Section 48 (3) of the Forest Act, R.S.B.C. 1996, c. 157, is amended by striking out “under subsection (1) (g)” and substituting “under subsection (1) (e), (f) or (g)”.*

14 *Section 49 is amended*

(a) by repealing subsection (2) (a) and substituting the following:

(a) subject to subsection (2.1), must be for a term not exceeding one year, , *and*

(b) by repealing subsection (2.1) and substituting the following:

(2.1) In prescribed circumstances, the district manager or a forest officer authorized by the district manager may enter into a free use permit

(a) authorized under section 48 (1) (e) or (f) for a term not exceeding 3 years and limited to a volume not exceeding 50 m³ in any year of the term and not exceeding 100 m³ in total over the term, if

(i) the owner referred to in section 48 (e) has a permit under the *Mines Act* for the Crown grant of a mineral claim to which the free use permit is relevant, or

(ii) the holder referred to in section 48 (f) has a permit under the *Mines Act* for the coal licence or mineral title, as the case may be, to which the free use permit is relevant, or

(b) authorized under section 48 (1) (g) for a volume exceeding 50 m³, but not exceeding 250 m³.

Forest Practices Code of British Columbia Act

15 *Section 3 (4) of the Forest Practices Code of British Columbia Act, R.S.B.C. 1996, c. 159, is repealed and the following substituted:*

(4) The ministers

(a) may delegate in writing the authority to jointly establish, vary or cancel a resource management zone or objective to 3 officials, as follows:

- (i) a regional manager of the Ministry of Forests;
- (ii) a regional director of the Ministry of Environment, Lands and Parks;
- (iii) either but not both of the following officials of the Ministry of Energy and Mines:

(A) the director of the Petroleum Lands Branch;

(B) a regional manager of the Ministry of Energy and Mines, and

(b) may limit or cancel a delegation made under this subsection.

16 *Section 150 is amended by striking out "96 (1)," and substituting "96 (1) or (2)."*

Law and Equity Act

17 *The Law and Equity Act, R.S.B.C. 1996, c. 253, is amended by adding the following section:*

Alternate dispute resolution

68 (1) The Lieutenant Governor in Council may make regulations respecting mediation including, without limitation, regulations

- (a) providing to parties to a court proceeding in the Supreme Court the ability to require the other parties to the proceeding to engage in mediation and setting out when and how that ability may be exercised,
- (b) providing to parties to a court proceeding in the Provincial Court the ability to require the other parties to the proceeding to engage in mediation and setting out when and how that ability may be exercised or requiring those parties to engage in mediation,
- (c) setting out the rights and duties that accrue to the parties to a court proceeding, the court and the mediator if mediation is required in relation to that court proceeding, and
- (d) respecting
 - (i) the forms and procedures that must or may be used or followed before, during and after the mediation process,
 - (ii) requiring and maintaining confidentiality of information disclosed for the purposes of mediation,

- (iii) the circumstances, if any, and manner in which a party to a court proceeding may opt out of or be exempted from mediation,
 - (iv) the costs and other sanctions that may be imposed in relation to mediation, including, without limitation, in relation to any failure to participate in mediation when and as required or otherwise to comply with the regulations, and
 - (v) the qualifications required for, and the selection and identification of, individuals who may act as mediators in the mediation process contemplated by the regulations.
- (2) If and to the extent that there is any conflict between the regulations made under subsection (1) and any other enactment, including, without limitation, the rules of any court, the regulations made under subsection (1) prevail.
- (3) Regulations under subsection (1)
- (a) may provide for a mediation process to be applicable to court proceedings brought out of one or more court registries,
 - (b) may be different for court proceedings brought out of different court registries, and
 - (c) may be made in relation to all or some types of court proceedings and may be different for different types of court proceedings.

Legislative Assembly Allowances and Pension Act

18 *Section 10 (2) (a) of the Legislative Assembly Allowances and Pension Act, R.S.B.C. 1996, c. 257, is repealed and the following substituted:*

- (a) unable to attend by reason of sickness or another reason approved by the Speaker, .

19 *Section 12 (1) is amended by striking out “prevented by sickness from attending” and substituting “unable to attend by reason of sickness or another reason approved by the Speaker”.*

Limitation Act

20 *Section 8 (1) of the Limitation Act, R.S.B.C. 1996, c. 266, is amended by striking out “or” at the end of paragraph (b) and by adding the following:*

- (b.1) against a person who is qualified and permitted under the *Dentists Act* to practise dentistry in British Columbia, based on professional negligence or malpractice, after the expiration of 10 years from the date on which the right to do so arose, or .

Liquor Control and Licensing Act

21 *The Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, is amended by adding the following section:*

Imposition of fees by local government or first nation

- 15.1 (1) A local government that is requested by the general manager to comment on an application for the issue, amendment or renewal of a licence under this Act may, by bylaw, and a first nation that is requested by the general manager to comment on such an application may, if it is authorized to do so by federal legislation or a treaty, impose fees on the applicant in order to recover the costs incurred by the local government or the first nation, as the case may be, in assessing the application.
- (2) Fees imposed under subsection (1) may be different for
- (a) different classes or categories of licence applications, amendments or renewals, and
 - (b) different methods used to conduct the assessments referred to in subsection (1).

22 *Section 15.1 is repealed.*

23 *Section 18 is amended*

(a) *in subsection (1) by adding “, other than a licence referred to in section 52, 57 or 58,” after “A licence”,*

(b) *by adding the following subsections:*

- (1.1) Subject to subsection (1.3), a licence referred to in section 12.1 must not be issued, renewed or transferred to a person who
- (a) holds a licence referred to in section 12, 52, 57 or 58, or
 - (b) is associated with, connected with or financially interested in a person holding a licence referred to in section 12, 52, 57 or 58.
- (1.2) Subject to subsection (1.3), a licence referred to in section 12, 52, 57 or 58 must not be issued, renewed or transferred to a person who
- (a) holds a licence referred to in section 12.1, or
 - (b) is associated with, connected with or financially interested in a person holding a licence referred to in section 12.1.
- (1.3) Subsections (1.1) and (1.2) do not apply to a person if
- (a) the person held, on April 1, 2000,
 - (i) a licence referred to in section 12.1, and
 - (ii) a licence referred to in section 12, 52, 57 or 58, and

(b) any association, connection or financial interest referred to in subsection (1.1) or (1.2) of this section, as the case may be, existed on April 1, 2000 and has not, since that date, in the general manager's opinion, expanded in scope or degree. ,

(c) by repealing subsection (2) and substituting the following subsections:

(2) If conditions referred to in subsection (1), (1.1) or (1.2) that would prevent a licence from being issued, renewed or transferred apply to a person who is applying for a licence under this Act, the applicant must disclose the conditions to the general manager whether or not that subsection applies to that person.

(2.1) If conditions referred to in subsection (1), (1.1) or (1.2) that would prevent a licence from being issued, renewed or transferred apply to a licensee after the licence is issued, the licensee must, promptly after the conditions begin to apply, disclose the conditions to the general manager whether or not that subsection applies to that licensee.

(2.2) An action or other proceeding must not be brought or commenced in a court in British Columbia in respect of an agreement, arrangement, concession, obligation, undertaking or interest referred to in subsection (1), (1.1) or (1.2). ,
and

(d) in subsection (3) by striking out "Subsections (1) and (2) do not apply" and substituting "This section does not apply".

24 Section 48 is amended

(a) in subsection (2) by striking out "If the person" and substituting "Subject to subsection (3), if the person", and

(b) in subsection (3) by striking out "corporation, the corporation" and substituting "corporation or a licensee that is not a corporation, the person".

Liquor Statutes Amendment Act, 1999

25 Section 4 of the Liquor Statutes Amendment Act, 1999, S.B.C. 1999, c. 36, is amended by repealing section 11.4 of the Liquor Control and Licensing Act, as enacted by that section, and by substituting the following:

Imposition of fees by local government or first nation

11.4 (1) A local government that provides comments or recommendations on an application for the issue, amendment or renewal of a licence under this Act may, by bylaw, and a first nation that provides comments or recommendations on such an application may, if it is authorized to do so by federal legislation or a treaty, impose fees on the applicant in order to recover the costs incurred by the local government or the first nation, as the case may be, in assessing the application.

(2) Fees imposed under subsection (1) may be different for

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- (a) different classes or categories of licence applications, amendments or renewals, and
- (b) different methods used to conduct the assessments referred to in subsection (1).

26 *Section 11 is repealed.*

Local Government Act

27 *Section 339 (1) (f) of the Local Government Act, R.S.B.C. 1996, c. 323, is repealed and the following substituted:*

- (f) the land of a cemetery under the *Cemetery and Funeral Services Act* actually used and occupied for the interment of the dead or designated an approved interment area by the registrar under that Act, together with the improvements included as part of the cemetery under that Act, other than
 - (i) funeral homes within the meaning of that Act,
 - (ii) crematoriums within the meaning of that Act, and
 - (iii) premises, or that part of premises, used primarily for the sale of cemetery services or funeral services within the meaning of that Act; .

28 *Division 1 of Part 22 is amended by adding the following section:*

Dangerous dogs

707.1 (1) In this section:

“animal control officer” means

- (a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or
- (b) a peace officer;

“companion animal” means an animal kept as a pet or as a guide animal;

“dangerous dog” means a dog that

- (a) has killed or seriously injured a person,
- (b) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
- (c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or seriously injured a companion animal or a domestic animal;

“domestic animal” means a domestic animal as defined in the *Livestock Protection Act*;

“seize” includes impound and detain.

-
- (2) In addition to the authority under section 707 (1) (a) but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the dog is a dangerous dog.
- (3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (c) of the definition of "dangerous dog"; the animal control officer must consider whether the dog was acting while in the course of
- (a) attempting to prevent a person from committing an unlawful act, or
 - (b) performing law enforcement work.
- (4) An animal control officer may enter a place to exercise the power under subsection (2),
- (a) in any case, with the consent of the owner or occupier of the place,
 - (b) in any case, in accordance with a warrant under subsection (5) or (6), or
 - (c) if the circumstances referred to in subsection (7) apply, in accordance with that subsection.
- (5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that
- (a) there is in a place a dog, and
 - (b) the dog is a dangerous dog,
- a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.
- (6) If
- (a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and
 - (b) the officer believes on reasonable grounds that the circumstances referred to in subsection (5) (a) and (b) apply,
- the officer may apply for a warrant in accordance with section 22 [telewarrants] of the *Offence Act*.
- (7) Subject to subsection (8), an animal control officer may, without a warrant, enter and search any place except a dwelling house and seize a dog, if the officer believes on reasonable grounds that
- (a) the dog is a dangerous dog,
 - (b) the dog presents an imminent danger to the public, and
 - (c) the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.
- (8) For the purposes of subsection (7), an animal control officer who is not a police officer must be accompanied by a police officer.

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- (9) In addition to the authority under section 8 of the *Livestock Protection Act*, in relation to a dog that the animal control officer has reasonable grounds to believe is a dangerous dog, the animal control officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.
- (10) A dog that has been seized under this section may not be impounded for more than 21 days unless proceedings under subsection (9) of this section or section 8 of the *Livestock Protection Act* are commenced within that time.
- 29 **Section 797.1 (1) (c), as enacted by the Local Government Statutes Amendment Act, 2000, is amended by striking out “section 706 [compensation for injuries to livestock], and” and substituting**
- “section 706 [compensation for injuries to livestock],
section 707 (1) [animal pounds], and
section 707.1 [dangerous dogs];”.
- 30 **Section 799 (2) (a) is amended by striking out “and 707 (1);” and substituting “, 707 (1) and 707.1;”.**

Local Government Statutes Amendment Act, 2000

- 31 **Section 82 of the Local Government Statutes Amendment Act, 2000, S.B.C. 2000, c. 7, is amended by striking out “Section 747.1 (4)” and substituting “Section 747.1 (3)”.**

Municipalities Enabling and Validating Act (No. 2)

- 32 **The Municipalities Enabling and Validating Act (No. 2), S.B.C. 1990, c. 61, is amended by adding the following Part:**

PART 11 – 2000

Kitsumkalum Ski Hill

- 48 Despite section 182 [prohibition against assistance to business] of the *Local Government Act*, the Regional District of Kitimat-Stikine may release the Shames Mountain Ski Corporation from any or all amounts for which the corporation is liable to the regional district
- (a) under the debenture issued by the corporation on April 1, 1987 and filed with the Registrar of Companies on April 3, 1987, or
- (b) otherwise arising from the sale by the regional district to the corporation of the undertaking, property and assets of the operation referred to as the Kitsumkalum Ski Business under an agreement dated October 21, 1986 between the regional district and the corporation and under subsequent agreements between those parties in relation to that operation.

Ombudsman Act

33 *Section 13 of the Ombudsman Act, R.S.B.C. 1996, c. 340, is amended by adding the following paragraphs:*

- (g) the complainant has abandoned the complaint
 - (i) by failing to advise the Ombudsman of a current address or telephone number at which the Ombudsman can contact him or her, or
 - (ii) by failing to respond after a reasonable number of attempts by the Ombudsman to contact him or her in writing or verbally;
- (h) the complaint is withdrawn by the complainant by notice to the Ombudsman;
- (i) the complaint is settled under section 14.

34 *Section 22 is repealed and the following substituted:*

If investigation is refused or discontinued or complaint is not substantiated

- 22 (1) If the Ombudsman decides
- (a) not to investigate or further investigate a complaint under section 13, or
 - (b) at the conclusion of an investigation, that the complaint has not been substantiated,
- the Ombudsman must
- (c) record the decision in writing, and
 - (d) as soon as is reasonable, notify both the complainant and the authority of the decision and the reasons for it.
- (2) The reasons provided under subsection (1) (d) with respect to a decision referred to in subsection (1) (b) must be in writing.
- (3) The Ombudsman may indicate with the notification under subsection (1) (d) any other recourse that may be available to the complainant.

Petroleum and Natural Gas Act

35 *Section 9 of the Petroleum and Natural Gas Act, R.S.B.C. 1996, c. 361, is amended*

(a) by repealing subsection (2) (a) and substituting the following:

- (a) to pay compensation to the land owner for loss or damage caused by the entry, occupation or use, and , **and**

(b) by repealing subsection (3) and substituting the following:

- (3) For the purposes of subsection (2) (a), if a certificate of restoration is required after the entry, occupation or use, the liability for payment of compensation ends on the date stated in the certificate.

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36 Section 16 is amended

- (a) *in subsection (2) (b) by striking out* “Minister of Lands, Parks and Housing” *and substituting* “commission and the minister responsible for the *Land Act*”,
- (b) *in subsection (2) (c) by striking out* “minister’s” *and substituting* “commission’s”,
and
- (c) *by adding the following subsection:*
 - (3) Subsection (1) does not apply in respect of geophysical exploration.

37 Section 24 (2) is repealed and the following substituted:

- (2) An appeal lies from an order of the board to the Supreme Court on any point or question of law raised before the board.

38 Section 84.1 is amended by striking out “or” at the end of paragraph (c), by adding “, or” at the end of paragraph (d) and by adding the following paragraph:

- (e) has not received notice of a final determination under section 26.4 of the *Waste Management Act* that the site is not a contaminated site.

39 Section 96 (1) is amended

- (a) *by striking out* “production and conservation of petroleum and natural gas” *and substituting* “production, conservation and processing of petroleum, natural gas and sulphur produced from natural gas”,
- (b) *by repealing paragraph (g) and substituting the following:*
 - (g) establish, adopt or specify the minimum standards of tools, casing, equipment, materials and procedures that may be used for drilling, development, production or storage of petroleum or natural gas or for injecting or disposing of water, natural gas or other substances associated with the drilling, development, production or storage of petroleum or natural gas; ,
- (c) *by repealing paragraph (n) (iv) and substituting the following:*
 - (iv) prevention of pollution of water, air or land; ,
- (d) *by repealing paragraph (o) and substituting the following:*
 - (o) regulate the location, equipping, deactivation, decommissioning and reclamation of production facilities; ,
- (e) *by repealing paragraph (u) and substituting the following:*
 - (u) regulate the release of well and test hole records and data, geological and geophysical reports and reports other than well reports and well data, and regulate the naming of wells and production facilities; , *and*
- (f) *in paragraph (z) by striking out* “petroleum and natural gas, its waste” *and substituting* “petroleum, natural gas and sulphur produced from natural gas, their waste”.

- 40 *Section 104 (2) is amended by striking out “signed by the minister” and substituting “issued by the commission”.*
- 41 *Section 107 (1) is amended by striking out “petroleum, brine or toxic substances” and substituting “petroleum, natural gas, brine or other substances”.*
- 42 *Section 114 (1) is amended by striking out “The Lieutenant Governor in Council may authorize the minister, on behalf of the government, to enter” and substituting “The minister may, on behalf of the government, enter”.*
- 43 *Section 122 is amended*
- (a) *in subsection (1) by striking out “Subject to subsection (2),” and substituting “Except as specified in the regulations,”, and*
- (b) *by repealing subsection (2).*
- 44 *Section 133 (2) (i) is repealed and the following substituted:*
- (i) make regulations requiring a person or a class of persons who produce, process, transport, acquire or offer to acquire, use, inject or dispose of petroleum or natural gas or sulphur, or a class of petroleum or natural gas or sulphur, to provide the information, relating to petroleum or natural gas or sulphur or a class of petroleum or natural gas or sulphur, that is required in the regulations or by a person or class of persons identified in the regulations
- (i) to the person or class of persons specified in the regulations, and
- (ii) at the time and in the form and manner specified in the regulations or by a person or class of persons identified in the regulations; .

Residential Tenancy Act

- 45 *Section 1 of the Residential Tenancy Act, R.S.B.C. 1996, c. 406, is amended in the definition of “hotel” by repealing paragraph (a) and substituting the following:*
- (a) owned or operated by a college, university college or Provincial institute designated under the *College and Institute Act* or a university as defined in the *College and Institute Act*, or .
- 46 *Section 3 (2) (b) and (c) is repealed and the following substituted:*
- (b) residential premises in respect of which a non-profit housing cooperative is the landlord and the tenant is a member of the cooperative, .
- 47 *Section 3.1 is amended by adding the following subsections:*
- (3) The director may approve forms for the purposes of this Act.

Section 48

- (4) Deviations from a form approved under subsection (3) that do not affect its substance and are not calculated to mislead, do not invalidate the form used.

48 Section 14 is amended

(a) *in subsection (1) by striking out* "Subject to subsection (2)," *and substituting* "Subject to subsections (2) and (2.1)," *and*

(b) *by adding the following subsections:*

(2.1) On the request of a tenant at the beginning of a new tenancy agreement, the landlord must

(a) rekey or otherwise change the locks so that keys issued to previous tenants do not give access to the residential premises, and

(b) pay all costs associated with the change made under paragraph (a).

(2.2) A landlord may refuse to comply with a request under subsection (2.1), if the landlord, at the end of the previous tenancy, rekeyed or otherwise changed the locks to the residential premises of the tenant.

49 Section 18 (1) is amended

(a) *in paragraph (a) by striking out* "14 (1) or (4)," *and substituting* "14," *and by adding* "54 (5) (a)," *after* "47," *and*

(b) *in paragraph (c) (ii) by adding* "or within a longer period set under subsection (2) (d)," *after* "30 days".

50 Section 18 (2) is amended by striking out "and" at the end of paragraph (b), by adding "and" at the end of paragraph (c) and by adding the following paragraph:

(d) may extend the period within which application may be made under subsection (1) (c) (ii) of this section.

51 Sections 24 (3) and 25 (2) (a) are amended by striking out "in the prescribed form" and substituting "in the form approved by the director".**52 Section 24 (4) is amended by adding "in the form approved by the director" after "6 months' notice".****53 Section 27 (1) is amended by striking out "in the prescribed form under" and substituting "in the form approved under".****54 Sections 42 (2) (a) and 49 (2) (b) are amended by striking out "in the prescribed form," and substituting "in the form approved by the director,".****55 Section 46 (1) (b) is repealed and the following substituted:**

(b) at any time after a notice of the end of the tenancy agreement has been given respecting the residential premises, if the tenant gave the notice,

- (b.1) if the landlord gave the notice referred to in paragraph (b), at any time after the earlier of
- (i) the expiration of the applicable time period specified under section 44 (2), and
 - (ii) the time an application is filed under section 44 (2), or .

56 Section 57 (6) is repealed and the following substituted:

- (6) Without limiting subsection (5), if an order of the director under section 22 is filed in the Provincial Court and the order was made in the absence of a party, the judge may, on application of the absent party, change or cancel the order to the same extent as if the order has been made by a judge in the absence of a party.

57 Section 90 is amended

(a) by repealing subsection (2) (f) and substituting the following:

- (f) requiring a rent increase notice, in the form approved by the director, to be given and filed by a landlord or class of landlord under section 24 (4),, *and*

(b) by repealing subsection (5) (a) and (b).

Royal Roads University Act

- 58 Section 16 of the Royal Roads University Act, R.S.B.C. 1996, c. 409, is amended by striking out "and 70.1 and 71" and substituting ", 70.1 and 71".**

Strata Property Act

- 59 Section 50 (1) of the Strata Property Act, S.B.C. 1998, c. 43, is amended by striking out "unless a 3/4 vote or unanimous vote is required" and substituting "unless a different voting threshold is required or permitted".**

60 Section 72 (2) (b) is repealed and the following substituted:

- (b) common property other than limited common property only if identified in the regulations and subject to prescribed restrictions.

- 61 Section 108 (2) (a) is amended by striking out "section 99 or 100," and substituting "section 99, 100 or 195,".**

- 62 Section 149 (2) is amended by striking out "subsection (1) (d)," and substituting "subsection (1) (d) and section 152 (b),".**

63 Section 152 is repealed and the following substituted:

Optional strata corporation insurance

- 152** The strata corporation may obtain and maintain insurance in respect of the following:

Section 64

- (a) a peril or liability of the strata corporation that is not referred to in section 149 or 150;
- (b) fixtures built or installed on a strata lot that were not built or installed by the owner developer as part of the original construction on the strata lot.

64 Section 197 is amended by adding the following subsection:

(3.1) Despite subsection (3), if a section is composed entirely of nonresidential strata lots, an amendment to the bylaws respecting a matter that relates solely to the section must be approved by a resolution passed

- (a) by a 3/4 vote, or
- (b) if a different voting threshold is provided for in the bylaws of the section, by that voting threshold

at an annual or special general meeting of the section.

65 Section 231 is amended by striking out “for the beginning of construction of a phase,” and substituting “for the election to proceed with a phase,”.**66 Section 244 (1) (h) is repealed and the following substituted:**

- (h) be endorsed by an approving officer
 - (i) if it is a phased strata plan, under sections 224 and 225,
 - (ii) if it is a bare land strata plan, under section 243, or
 - (iii) if it is both a phased strata plan and a bare land strata plan, under sections 224, 225 and 243.

Technical University of British Columbia Act**67 Section 16 of the Technical University of British Columbia Act, S.B.C. 1997, c. 54, is amended by striking out “and 70.1 and 71” and substituting “, 70.1 and 71”.*****The Bank of Nova Scotia Trust Company Act, 1997*****68 Section 5 (4) of The Bank of Nova Scotia Trust Company Act, 1997, S.B.C. 1997, c. 40, is amended by striking out “section 187” and substituting “section 191”.*****Transport of Dangerous Goods Act*****69 Section 17 of the Transport of Dangerous Goods Act, R.S.B.C. 1996, c. 458, is amended by striking out “that he took” and substituting “that the person took”.*****Vancouver Charter*****70 The Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following section immediately after section 324:**

Dangerous dogs

324.1 (1) In this section:

“animal control officer” means

- (a) an employee, officer or agent designated by the Council as an animal control officer for the purposes of this section, or
- (b) a peace officer;

“companion animal” means an animal kept as a pet or as a guide animal;

“dangerous dog” means a dog that

- (a) has killed or seriously injured a person,
- (b) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
- (c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or seriously injured a companion animal or a domestic animal;

“domestic animal” means a domestic animal as defined in the *Livestock Protection Act*;

“seize” includes impound and detain.

- (2) In addition to the authority under section 324 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the dog is a dangerous dog.
- (3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (c) of the definition of “dangerous dog”, the animal control officer must consider whether the dog was acting while in the course of
 - (a) attempting to prevent a person from committing an unlawful act, or
 - (b) performing law enforcement work.
- (4) An animal control officer may enter a place to exercise the power under subsection (2),
 - (a) in any case, with the consent of the owner or occupier of the place,
 - (b) in any case, in accordance with a warrant under subsection (5) or (6), or
 - (c) if the circumstances referred to in subsection (7) apply, in accordance with that subsection.
- (5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that
 - (a) there is in a place a dog, and
 - (b) the dog is a dangerous dog,a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.
- (6) If

Section 71

- (a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and
 - (b) the officer believes on reasonable grounds that the circumstances referred to in subsection (5) (a) and (b) apply,
- the officer may apply for a warrant in accordance with section 22 [telewarrants] of the *Offence Act*.
- (7) Subject to subsection (8), an animal control officer may, without a warrant, enter and search any place except a dwelling house and seize a dog, if the officer believes on reasonable grounds that
 - (a) the dog is a dangerous dog,
 - (b) the dog presents an imminent danger to the public, and
 - (c) the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.
 - (8) For the purposes of subsection (7), an animal control officer who is not a police officer must be accompanied by a police officer.
 - (9) In addition to the authority under section 8 of the *Livestock Protection Act*, in relation to a dog that the animal control officer has reasonable grounds to believe is a dangerous dog, the animal control officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.
 - (10) A dog that has been seized under this section may not be impounded for more than 21 days unless proceedings under subsection (9) of this section or section 8 of the *Livestock Protection Act* are commenced within that time.
 - (11) Section 324 (b) applies in relation to seizure under this section.

Transitional

- 71 Section 8 (1) (b.1) of the *Limitation Act*, as enacted by this Act, does not apply to bar an action commenced before the coming into force of that section.

Commencement

- 72 (1) Sections 4 to 14, 20, 22 to 24, 26, 28 to 30, 35 to 57, 70 and 71 come into force by regulation of the Lieutenant Governor in Council.
- (2) Section 27 comes into force on December 31, 2000.
- (3) Section 31 is deemed to have come into force on June 12, 2000 and is retroactive to the extent necessary to give it effect on and after that date.
- (4) Section 68 is deemed to have come into force on July 28, 1997 and is retroactive to the extent necessary to give it effect on and after that date.