

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND
SOLICITOR GENERAL

Emergency Program Act

Ministerial Order No. M454

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on November 17, 2021 because of flooding and landslides that pose a threat to lives, property and infrastructure in the Province of British Columbia;

AND WHEREAS fuel is necessary in order to provide essential services in the Metro Vancouver Regional District, the Fraser Valley Regional District, the Squamish-Lillooet Regional District, the qathet Regional District, the Sunshine Coast Regional District, on Vancouver Island, and in the Islands Trust area, and is in limited supply as a result of the flooding and landslides;

AND WHEREAS in order to maintain reliable fuel supply necessary for the provision of essential services, requirements regarding supply of and on the purchase of fuel to essential service providers are necessary;


AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that,

- (a) the Fuel Prioritization Order made by Ministerial Order 451/2021 is repealed, and
- (b) the attached Fuel Prioritization Order No. 2 is made.

November 21, 2021

Date



Minister of Public Safety and Solicitor General and
Deputy Premier

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Emergency Program Act, R.S.B.C. 1996, c. 111, s. 10

Other: M444/2021

FUEL PRIORITIZATION ORDER No.2

Definitions

1 In this order:

“**essential vehicle**” means the vehicles identified in Appendix A;

“**fuel**” means:

- (a) motive fuel as defined under the *Motor Fuel Tax Act*,
- (b) gasoline as defined under the *Motor Fuel Tax Act*,
- (c) alternative motor fuel as defined under the *Motor Fuel Tax Act*,
- (d) methanol based fuel as defined under the *Motor Fuel Tax Act* that is used to propel a motor vehicle, or
- (e) diesel fuel or coloured fuel for use in a ship as those terms are defined under the *Motor Fuel Tax Act*

but does not include hydrogen for use in a fuel cell vehicle;

“**Islands Trust area**” means the area described in Schedule A of the *Islands Trust Act* and, for certainty, includes all of the Islands identified in Schedule B of that Act;

“**motor vehicle**” means a motor vehicle as defined under the *Motor Fuel Tax Act*;

“**purchaser**” means a person who buys or receives delivery of fuel for the person's own use or for use by another person at the first person's expense;

“**retailer**” means a person who sells fuel to a purchaser;

“**specified area**” means the following:

- (a) the Metro Vancouver Regional District;
- (b) the Fraser Valley Regional District;
- (c) the Squamish-Lillooet Regional District;
- (d) the Sunshine Coast Regional District;
- (e) the qathet Regional District;
- (f) Vancouver Island;
- (g) the Islands Trust area;

“**taxi**” means a motor vehicle that is operated under a licence that expressly authorizes the driver to transport passengers who hail the taxi from the street, or who cause the taxi to be hailed from the street;

“**wholesaler**” means a person who sells fuel to a person other than a purchaser.

Obligation of wholesaler

- 2 A wholesaler must do all of the following:
- (a) prioritize the delivery of fuel for use in essential vehicles operating in the specified area;
 - (b) manage the supply of fuel to ensure continued prioritization until December 1, 2021 of fuel delivery for use in essential vehicles in the specified area;
 - (c) manage the wholesaler's supply of fuel remaining after the obligations in (a) and (b) are met, so that fuel is delivered or distributed in such a way as to meet anticipated demand throughout the period until December 1, 2021.

Limit on purchase and sale

- 3
- (1) A retailer must not knowingly sell more than 30 litres of fuel to a purchaser during any one visit of the purchaser to the retailer's premises within the specified area.
 - (2) A purchaser must not purchase more than 30 litres of fuel from any one retailer during any one visit of the purchaser to the retailer's premises within the specified area.
 - (3) Subsections (1) and (2) do not apply if the purchaser is purchasing the fuel for use in an essential vehicle.

Prohibition on increased profits

- 4 A wholesaler or retailer operating in the specified area must not sell fuel in the specified area at a price that increases the wholesaler's or retailer's gross profit margin in excess of the gross profit margin achieved by the wholesaler or retailer for that type of fuel during the 90 day period immediately preceding the date of this order.

Prohibition on reselling

- 5 A purchaser may not, directly or indirectly, resell fuel in the specified area.

Prohibition on abusive or belligerent behaviour

- 6 A person must not engage in abusive or belligerent behaviour towards another person in relation to the other person's efforts to comply with or enforce this order.

Section 35 of *Constitution Act, 1982*

- 7 For certainty, this order must be construed in accordance with section 35 of the *Constitution Act, 1982*.

Appendix A

Vehicles used by or for the purposes of any of the following:

- (a) Emergency services (fire, police, ambulance and healthcare including urgent medical treatment);
- (b) Public transit including intercity buses;
- (c) Commercial transport of critical goods and services (food and beverage, healthcare, safety);
- (d) Refrigerated delivery;
- (e) Potable water delivery or wastewater service;
- (f) Grocery delivery;
- (g) Road repair, maintenance and vehicle recovery;
- (h) Tow trucks;
- (i) Military;
- (j) Critical infrastructure construction and repair;
- (k) Home care workers;
- (l) Municipal services;
- (m) First Nations government services;
- (n) BC Ferries;
- (o) Coast Guard;
- (p) Tugboats;
- (q) Marine emergency;
- (r) Pilot boats;
- (s) Canada Post and other couriers or package delivery;
- (t) Airport Authority vehicles and air travel;
- (u) Waste disposal or recycling;
- (v) BC Hydro, Fortis, and other heavy duty and light duty utility;
- (w) Fuel delivery trucks and boats;
- (x) School buses;
- (y) Taxis;
- (z) Veterinarians in support of flood response;
- (aa) Agricultural and farm use, including vehicles supporting flood response;
- (bb) Maintenance and repair of critical information technology infrastructure;
- (cc) Critical government services.