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Legislative Assembly of British Columbia

BILL 42

**MISCELLANEOUS STATUTES
AMENDMENT ACT (No. 3), 2023**

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Explanatory Notes

CLAUSES

1 AND 2: *[Supreme Court Act, sections 1 and 2.1]* change the title of “master” to “associate judge”.

CLAUSE 3: *[Supreme Court Act, section 11]*

- changes the title of “master” to “associate judge”;
- makes a housekeeping amendment.

BILL 42 – 2023

**MISCELLANEOUS STATUTES
AMENDMENT ACT (No. 3), 2023**

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

PART 1 – ATTORNEY GENERAL AMENDMENTS

Supreme Court Act

- 1** *Section 1 of the Supreme Court Act, R.S.B.C. 1996, c. 443, is amended*
 - (a) by adding the following definition:*

“associate judge” means an associate judge of the court; , *and*
 - (b) by repealing the definition of “master”.*

- 2** *Section 2.1 is amended*
 - (a) in subsection (1) (b) by striking out “masters” and substituting “associate judges”, and*
 - (b) in subsections (4), (6), (8) and (9) by striking out “master” wherever it appears and substituting “associate judge”.*

- 3** *Section 11 is amended*
 - (a) in subsection (1) by striking out “masters” and substituting “associate judges”,*
 - (b) in subsection (2) by striking out “a master” and substituting “an associate judge”,*
 - (c) in subsection (3) by striking out “A master” and substituting “An associate judge”,*
 - (d) in subsection (3) by repealing paragraphs (a) and (a.1), and*

CLAUSE 3: *[Supreme Court Act, section 11 – continued]*

CLAUSES

4 TO 10: *[Supreme Court Act, various sections]* change the title of “master” to “associate judge”.

(e) in subsection (3) by adding the following paragraphs:

(a.2) section 5.1 (3), (4) and (6) [Lieutenant Governor in Council may accept all recommendations];

(a.3) section 6 (2) to (6) [reports before the Legislative Assembly]; .

4 Section 11.1 is amended

(a) in subsections (1) and (2) by striking out “a master” wherever it appears and substituting “an associate judge”,

(b) in subsection (1) by striking out “a senior master” and substituting “a senior associate judge”,

(c) in subsections (2) and (4) by striking out “the master” and substituting “the associate judge”,

(d) in subsection (4) by striking out “senior master” wherever it appears and substituting “senior associate judge”,

(e) in subsection (5) by striking out “a senior master’s” and substituting “a senior associate judge’s”,

(f) in subsection (5) in the description of “PT annual salary” by striking out “the senior master” and substituting “the senior associate judge”, and

(g) in subsection (5) in the descriptions of “FT annual salary” and “FT sitting days” by striking out “a master” and substituting “an associate judge”.

5 Section 11.2 is amended

(a) in subsections (1) and (3) by striking out “a master” and substituting “an associate judge”,

(b) in subsections (2) and (3) by striking out “A master” and substituting “An associate judge”, and

(c) in subsection (3) (a) and (b) by striking out “the master” and substituting “the associate judge”.

6 Section 11.3 is amended

(a) in subsection (1) by striking out “Masters” and substituting “Associate judges”,

(b) in subsections (2), (3) and (5) by striking out “a master” wherever it appears and substituting “an associate judge”,

CLAUSES

4 TO 10: *[Supreme Court Act, various sections – continued]*

CLAUSES

11 TO 15: *[Various statutes]* are consequential to amendments made by this Bill to the *Supreme Court Act*.

- (c) *in subsection (4) by striking out “A master” and substituting “An associate judge”, and*
- (d) *in subsection (5) by striking out “the master” and substituting “the associate judge”.*
- 7 *Section 11.4 is amended*
- (a) *by striking out “A master” and substituting “An associate judge”,*
- (b) *by striking out “as master” and substituting “as associate judge”, and*
- (c) *by striking out “the master” wherever it appears and substituting “the associate judge”.*
- 8 *Section 12 (1) is amended by striking out “a master” and substituting “an associate judge”.*
- 9 *Section 12.1 is amended*
- (a) *in subsection (1) by striking out “masters” and substituting “associate judges”,*
- (b) *in subsections (3) and (5) by striking out “a senior master” wherever it appears and substituting “a senior associate judge”,*
- (c) *in subsections (3) and (4) by striking out “the senior master’s” and substituting “the senior associate judge’s”,*
- (d) *in subsection (4) by striking out “A senior master” and substituting “A senior associate judge”, and*
- (e) *in subsection (4) by striking out “the master’s” and substituting “the associate judge’s”.*
- 10 *Sections 15 and 16 are amended by striking out “master” wherever it appears and substituting “associate judge”.*

Consequential Amendments

Freedom of Information and Protection of Privacy Act

- 11 *Schedule 1 to the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, is amended in the definition of “judicial administration record” by striking out “a judge, master or a justice of the peace” and substituting “a judge, an associate judge or a justice of the peace”.*

CLAUSES

11 TO 15: *[Various statutes – continued]*

CLAUSE 16: *[Low Carbon Fuels Act, section 1]* adds the definition of “applicable purpose”.

CLAUSE 17: *[Low Carbon Fuels Act, section 8]* limits the circumstances in which a person reportably exports fuel in a compliance period.

CLAUSE 18: *[Low Carbon Fuels Act, section 9]* authorizes the regulation-making authority to prescribe zero percent in respect of the requirement for eligible renewable fuel in certain circumstances.

Legal Profession Act

- 12 *Section 59 (1) (c) of the Legal Profession Act, S.B.C. 1998, c. 9, as amended by section 60 (b) of the Attorney General Statutes Amendment Act, 2018, S.B.C. 2018, c. 49, is amended by striking out “masters” and substituting “associate judges”.*

Schedules to This Act

- 13 *The Acts listed in Column 1 of Schedule 1 are amended in the provisions listed opposite them in Column 2 by striking out “a master” wherever it appears and substituting “an associate judge”.*
- 14 *The Acts listed in Column 1 of Schedule 2 are amended in the provisions listed opposite them in Column 2 by striking out “master” wherever it appears and substituting “associate judge”.*
- 15 *The Acts listed in Column 1 of Schedule 3 are amended in the provisions listed opposite them in Column 2 by striking out “the master” wherever it appears and substituting “the associate judge”.*

**PART 2 – ENERGY, MINES AND LOW
CARBON INNOVATION AMENDMENTS**

Low Carbon Fuels Act

- 16 *Section 1 of the Low Carbon Fuels Act, S.B.C. 2022, c. 21, is amended by adding the following definition:*
- “applicable purpose”** means
- (a) transportation, and
 - (b) any prescribed purpose; .
- 17 *Section 8 (1) (b) is amended by adding “for an applicable purpose” after “in British Columbia”.*
- 18 *Section 9 is amended adding the following subsection:*
- (4) The percentage prescribed under subsection (3) in respect of a compliance period may be zero if the tracked category to which the percentage relates is
 - (a) the jet fuel category, or
 - (b) a category prescribed for the purposes of paragraph (d) of the definition of “tracked category”.

CLAUSE 19: *[Low Carbon Fuels Act, section 13]* limits the circumstances in which the director may issue compliance units to a person.

CLAUSE 20: *[Low Carbon Fuels Act, section 15]* limits the circumstances in which the director may enter into an agreement respecting the issuance of credits to a person.

CLAUSE 21: *[Low Carbon Fuels Act, section 17]*

- makes an amendment that is consequential to amendments made by this Bill to the Act;
- amends the basis on which the director may issue compliance units to a person who reportably exports fuel.

CLAUSE 22: *[Low Carbon Fuels Act, section 53]*

- adds regulation-making authority respecting the expression “applicable purpose”;
- amends the basis on which the Lieutenant Governor in Council may authorize the director to exempt persons from certain requirements under the Act.

CLAUSE 23: *[Low Carbon Fuels Act, section 59]* replaces transitional provisions in the Act.

CLAUSE 24: *[Low Carbon Fuels Act, section 61]* adds transitional provisions to the Act.

19 *Section 13 (2) is amended by adding “for an applicable purpose” after “the fuel” in both places.*

20 *Section 15 (4) (a) is amended by adding “for an applicable purpose” after “supplies fuel”.*

21 *Section 17 is amended*

(a) in subsection (2) by striking out “compliance units” and substituting “debts”, and

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

(3) Subject to subsection (4), the number of debits to be issued under subsection (2) in relation to the fuel is the number determined in accordance with the formula under section 13 (3) [*supply of fuel*], modified in accordance with the regulations, as that section applies on the date the fuel is exported from British Columbia.

22 *Section 53 is amended*

(a) by adding the following paragraph:

(a.1) prescribing purposes for the purpose of the definition of “applicable purpose”; , *and*

(b) in paragraph (e) by adding “, in whole or in part,” after “to exempt” and by striking out “of fuel” and substituting “of one or more base fuels”.

23 *Section 59 is repealed and the following substituted:*

Transition – last compliance period under former Act

59 (1) The former Act applies in relation to the last old compliance period despite the repeal of the former Act and the enactment of this Act.

(2) If a regulation made under the former Act is repealed after the enactment of this Act, the regulation applies in relation to the last old compliance period despite the repeal of the regulation.

24 *Section 61 is amended by adding the following subsections:*

(1.1) After receiving a report from a person under section 7 [*Part 3 compliance reports*] of the former Act in relation to the last old compliance period, the director may adjust the person’s starting balance under this Act for the purpose of resolving any difficulties arising from the transition from the former Act to this Act.

CLAUSE 24: *[Low Carbon Fuels Act, section 61 – continued]*

CLAUSE 25: *[Protected Areas of British Columbia Act, Schedule D]* amends the description of E. C. Manning Park and decreases the park's size.

- (1.2) If a person is subject to an administrative penalty under section 10 (1) *[automatic administrative penalties: Part 3 fuel requirements]* or 11 (4) *[imposed administrative penalties: fuel requirements]* of the former Act in relation to the last old compliance period, the director may increase the balance of the person under this Act.
- (5) A person may, for the purpose of complying with section 6 (1) *[low carbon fuel requirement]* of the former Act,
 - (a) use the person’s starting balance under subsection (1) of this section, and
 - (b) use credits received under this Act during the period from January 1, 2024 to March 31, 2024.

PART 3 – ENVIRONMENT AND CLIMATE CHANGE STRATEGY AMENDMENTS

Protected Areas of British Columbia Act

25 *Schedule D of the Protected Areas of British Columbia Act, S.B.C. 2000, c. 17, is amended in the description of E. C. Manning Park*

- (a) by striking out* “Firstly: as shown on the Official Plan deposited in the Crown Land Registry as Plan 6 Tube 1813; except (1) Highway 3 as shown on Land Title Office Plans H150, H151, H157, H158, H215, H216, H217, H218, H219 and H17630, all on deposit in the Kamloops Land Title Office, on Ministry of Transportation and Highways’ Project Drawings C1776 and C3914 and on Highway Exchange Plan as shown on the Official Plan deposited in the Crown Land Registry as Plan 13 Tube 1944; (2) Plan EPC1135 deposited in the Crown Land Registry; (3) Plan EPC1153 deposited in the Crown Land Registry; and (4) Plan EPC120 deposited in the Crown Land Registry.” *and substituting* “Firstly: as shown on the Official Plan deposited in the Crown Land Registry as Plan 6 Tube 1813; except (1) Highway 3 as shown on Land Title Office Plans H150, H151, H157, H158, H215, H216, H217, H218, H219, H17630, EPP108185, EPP108186, EPP126770 and EPP127373, all on deposit in the Kamloops Land Title Office; and (2) District Lots 1971, 1972 and 1973, Yale Division Yale District, as shown on Plans EPC2229 and EPC2206, on deposit in the Crown Land Registry.”, *and*
- (b) by striking out* “The whole park containing approximately 83 670 hectares” *and substituting* “The whole park containing approximately 83 669 hectares”.

CLAUSE 26: ***[Manufactured Home Park Tenancy Act, section 1]***

- provides the plural form of a defined term for consistency with the *Residential Tenancy Act*;
- updates not-in-force definitions enacted by section 116 of the *Administrative Tribunals Statutes Amendment Act, 2015*, consequential to the addition by this Bill of sections 50.1 and 80.01 to the Act.

CLAUSE 27: ***[Manufactured Home Park Tenancy Act, section 5.1]*** amends a not-in-force provision enacted by section 131 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to remove the incorporation by reference of requirements and regulation-making powers under the *Administrative Tribunals Act* with respect to annual reports.

PART 4 – HOUSING AMENDMENTS

Manufactured Home Park Tenancy Act

26 *Section 1 of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is amended*

(a) *by repealing the definition of “dispute resolution proceeding” and substituting the following:*

“**dispute resolution proceedings**” means proceedings started by making an application for dispute resolution under section 51 (1); , *and*

(b) *by adding the following definitions:*

“**dispute resolution process**” means a process, including, without limitation, a facilitated settlement process and a hearing under Part 6 [*Resolving Disputes*], that is established by the regulations or the director to resolve one or more issues in dispute;

“**facilitated settlement process**” means a process established by the director to assist the parties to an application for dispute resolution to resolve their dispute;

“**rules of procedure**” means the rules of procedure established by the director under section 50.1 [*dispute resolution services*] or 80.01 [*investigation and administrative penalties*]; .

27 *Section 5.1 is repealed and the following substituted:*

Application of Administrative Tribunals Act

5.1 (1) The following provisions of the *Administrative Tribunals Act* apply to the director, as if the director were a tribunal, to dispute resolution proceedings under Division 1 of Part 6 of this Act, to reviews under Division 2 of Part 6 of this Act and to the imposition and review of administrative penalties under Part 6.1 of this Act:

(a) Part 1 [*Interpretation and Application*], except for the definition of “facilitated settlement process”;

(b) section 29 [*disclosure protection*];

(c) section 44 [*tribunal without jurisdiction over constitutional questions*];

(d) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*];

(e) section 48 [*maintenance of order at hearings*];

(f) section 56 [*immunity protection for tribunal and members*];

(g) section 57 [*time limit for judicial review*];

CLAUSE 27: *[Manufactured Home Park Tenancy Act, section 5.1 – continued]*

CLAUSE 28: *[Manufactured Home Park Tenancy Act, section 9]* is consequential to the addition by this Bill of sections 50.1 and 80.01 to the Act.

CLAUSE 29: *[Manufactured Home Park Tenancy Act, section 9.1]* is consequential to the amendments made by this Bill to section 1 of the Act.

CLAUSE 30: *[Manufactured Home Park Tenancy Act, section 36.1]* is consequential to the amendments made by this Bill to sections 83 and 89 of the Act.

CLAUSE 31: *[Manufactured Home Park Tenancy Act, section 50.1]* gives direction with respect to how dispute resolution services are to be provided.

CLAUSE 32: *[Manufactured Home Park Tenancy Act, section 50.1]* relocates provisions respecting the director’s rule-making powers that are relevant only to Part 6 of the Act, including relocating not-in-force provisions enacted by section 117 of the *Administrative Tribunals Statutes Amendment Act, 2015*, from section 9 of the Act to Part 6 of the Act.

- (h) section 58 [*standard of review with privative clause*];
- (i) section 59.1 [*surveys*];
- (j) section 60 (1) (i) and (2) [*power to make regulations*];
- (k) section 61 [*application of Freedom of Information and Protection of Privacy Act*].

(2) In applying sections 29, 56 and 61 of the *Administrative Tribunals Act* for the purposes of Part 6 of this Act, a reference in those sections to a facilitated settlement process must be read as a reference to a facilitated settlement process under that Part.

28 *Section 9 (3), (4) and (5) is repealed and the following substituted:*

(5) The director may provide information to landlords and tenants about their rights and obligations under this Act.

29 *Section 9.1 (1) is amended by striking out “under section 9 (3)” and substituting “to establish rules of procedure”.*

30 *Section 36.1 (1) is amended by striking out “section 83 (a), (b), (c) or (d), or that is prescribed under section 89 (2) (r),” and substituting “section 83 (1), or that is prescribed under section 89 (2) (r) (ii),”.*

31 *The following section is added to Division 1 of Part 6:*

Dispute resolution services

50.1 In providing dispute resolution services under this Part, the director must act in a manner that

- (a) is accessible, timely and flexible, and
- (b) recognizes any relationships between parties to a dispute that will likely continue after proceedings under this Part are concluded.

32 *Section 50.1 is amended*

(a) by renumbering the section as section 50.1 (1), and

(b) by adding the following subsections:

- (2) The director may assist landlords and tenants to resolve any dispute in relation to which an application for dispute resolution has been or may be made.
- (3) The director may establish and publish rules of procedure to facilitate the resolution of disputes under this Part.

CLAUSE 32: *[Manufactured Home Park Tenancy Act, section 50.1 – continued]*

CLAUSE 33: *[Manufactured Home Park Tenancy Act, section 51]* amends terminology to be consistent with that used in amendments made by the *Administrative Tribunals Statutes Amendment Act, 2015*, to various provisions of the Act.

CLAUSE 34: *[Manufactured Home Park Tenancy Act, section 51]* amends terminology to be consistent with that used in the amendment made by this Bill to section 58 of the *Residential Tenancy Act*.

CLAUSE 35: *[Manufactured Home Park Tenancy Act, section 52]*

- if required under the regulations, requires an applicant for dispute resolution to give notice to the director that the other party has been given a copy of the application;
- adds reasons for which the director may refuse an application;
- updates not-in-force references to notices of dispute resolution proceedings, enacted by section 121 of the *Administrative Tribunals Statutes Amendment Act, 2015*, for consistency with amendments made by this Bill to section 52 of the Act.

- (4) Without limiting subsection (3), the director may establish rules as follows:
 - (a) respecting applications for dispute resolution;
 - (b) respecting dispute resolution proceedings and processes, including, without limitation,
 - (i) the conduct of dispute resolution proceedings, and
 - (ii) the movement of disputes between different dispute resolution processes;
 - (c) respecting the disclosure, exchange or provision of information and records by parties before or during a dispute resolution process;
 - (d) respecting the effect of a party's non-compliance with the rules of procedure.
- (5) The director may establish different rules for different types or classes of disputes, claims, issues, circumstances, information, records or dispute resolution processes.
- (6) The director may publish, or otherwise make available to the public, decisions or orders, or summaries of them, made under this Part.

33 Section 51 is amended

- (a) in subsection (2) by striking out “must not determine a dispute” and substituting “must not resolve a dispute”, and**
- (b) by repealing subsection (4) (a) and substituting the following:**
 - (a) order that the director resolve the dispute, or .

34 Section 51 (2) (a) is repealed and the following substituted:

- (a) the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*, excluding any amount claimed under any of the following provisions under this Act:
 - (i) section 44 (1) or (2) [*tenant's compensation: section 42 notice*];
 - (ii) section 44.1 [*additional tenant's compensation: section 42 notice*], .

35 Section 52 (3) and (5) is repealed and the following substituted:

- (3) A person who makes an application for dispute resolution
 - (a) must give a copy of the application and the notice of dispute resolution proceeding referred to in section 54 to the other party within the prescribed time period, and

CLAUSE 35: *[Manufactured Home Park Tenancy Act, section 52 – continued]*

CLAUSE 36: *[Manufactured Home Park Tenancy Act, section 54]* clarifies the relationship between section 54 of the Act and section 55 of the Act.

CLAUSE 37: *[Manufactured Home Park Tenancy Act, section 54]* updates not-in-force references to dispute resolution processes, enacted by section 122 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to be consistent with amendments made by this Bill to section 54 of the Act.

- (b) must, if required under the regulations and within the prescribed time period, give to the director notice in the approved form, accompanied by proof that the other party has been given a copy of the application as required under paragraph (a).
- (3.1) Despite subsection (3), the director may specify
 - (a) a time period that differs from the prescribed time period,
 - (b) different time periods for each of paragraphs (a) and (b) of subsection (3), and
 - (c) a new time period to replace a time period already specified.
- (5) The director may refuse to accept an application for dispute resolution for any of the following reasons:
 - (a) in the director's opinion,
 - (i) the application does not disclose a dispute that can be resolved under this Part, or
 - (ii) the application is frivolous, vexatious or an abuse of the dispute resolution process;
 - (b) the applicant owes outstanding fees or administrative penalty amounts under this Act to the government;
 - (c) the application does not meet the requirements of subsection (2);
 - (d) a prescribed reason.

36 Section 54 is repealed and the following substituted:

Notice of dispute resolution proceeding

- 54**
- (1) This section applies if an application for dispute resolution
 - (a) is properly completed,
 - (b) is accepted by the director, and
 - (c) is not dismissed under section 55 (4) [*director's authority respecting dispute resolution proceedings*].
 - (2) If this section applies, the director must set the matter down for a hearing and,
 - (a) if the hearing is to be oral, specify the date, time and place of the hearing, and
 - (b) if the hearing is to be in writing, specify when written submissions are due.

37 Section 54 (2) is repealed and the following substituted:

- (2) If this section applies, the director
 - (a) must, subject to the regulations, determine which dispute resolution processes will be used to resolve the dispute, and

CLAUSE 37: *[Manufactured Home Park Tenancy Act, section 54 – continued]*

CLAUSE 38: *[Manufactured Home Park Tenancy Act, section 55]* provides additional grounds for dismissing an application for dispute resolution proceedings.

CLAUSE 39: *[Manufactured Home Park Tenancy Act, section 56]* amends a not-in-force provision enacted by section 124 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to ensure the director’s continued authority to assist with settling disputes.

CLAUSE 40: *[Manufactured Home Park Tenancy Act, sections 57.1 and 57.2]* amends not-in-force provisions enacted by section 126 of the *Administrative Tribunals Statutes Amendment Act, 2015*, that provide for facilitated settlement processes

- to be consistent with terminology used in amendments made by this Bill to the Act, and
- to clarify that section 57.2 of the Act applies regardless of whether a dispute was resolved during a dispute resolution proceeding.

- (b) must give the person who made the application a notice of dispute resolution proceeding
 - (i) indicating that a dispute resolution proceeding to resolve the dispute has been started, and
 - (ii) setting out the particulars of any dispute resolution process determined under paragraph (a).

38 Section 55 (4) is repealed and the following substituted:

- (4) At any time, the director may dismiss all or part of an application for dispute resolution for any of the following reasons:
 - (a) there are no reasonable grounds for the application or part;
 - (b) unless the regulations provide otherwise, any reason for which an application could be refused under section 52 (5) [*starting proceedings*];
 - (c) without limiting section 52 (5) (d), a prescribed reason.

39 Section 56 (2) is repealed.

40 The following sections are added:

Facilitated settlement process

- 57.1**
- (1) If required under the regulations, the parties to an application for dispute resolution must participate in a facilitated settlement process.
 - (2) During a facilitated settlement process, the director may proceed under this Part to resolve one or more of the issues or claims in dispute on the basis of the information received by the director and without any further dispute resolution process under this Division if
 - (a) the parties agree to a direct resolution, by the director, of the issue or claim, or
 - (b) a party does not participate in the facilitated settlement process.
 - (3) Despite subsection (1), before or during a facilitated settlement process, the director may require the dispute to proceed to a hearing under this Division
 - (a) if, in the director’s opinion, the parties are unlikely to resolve their dispute by agreement, or
 - (b) in any circumstances provided for in the rules of procedure.

Decision or order if parties resolve dispute by agreement

- 57.2** If the parties resolve their dispute by agreement, whether or not during a dispute resolution proceeding, the director may record the agreement in the form of a decision or order under this Part.

CLAUSE 41: ***[Manufactured Home Park Tenancy Act, section 59]***

- is consequential to the amendment made by this Bill to section 52 of the Act;
- clarifies that exceptional circumstances are not required to take an action under section 52 (3.1) of the Act or to extend time periods under section 74 (4) of the Act.

CLAUSE 42: ***[Manufactured Home Park Tenancy Act, section 64]*** replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 43: ***[Manufactured Home Park Tenancy Act, section 67]***

- removes a limitation on audio means of communication;
- amends not-in-force provisions enacted by section 128 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to be consistent with terminology used in amendments made by this Bill to the Act.

CLAUSE 44: ***[Manufactured Home Park Tenancy Act, section 69]*** replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 45: ***[Manufactured Home Park Tenancy Act, section 70]***

- changes typographical style for consistency within the Act;
- authorizes the director to give reasons orally except in the case of decisions under section 57.2 of the Act or if prescribed circumstances apply.

41 Section 59 (1) is repealed and the following substituted:

(1) The director may extend a time limit established by this Act only in exceptional circumstances.

(1.1) Despite subsection (1), exceptional circumstances are not required to do any of the following:

(a) take an action under section 52 (3.1) [*starting proceedings*];

(b) extend a period under section 74 (4) [*decision on application for review*].

42 Section 64 is amended by striking out “document” wherever it appears and substituting “record”.

43 Section 67 is amended

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

(1) Subject to the regulations and the rules of procedure, the director may conduct a dispute resolution proceeding under this Division in the manner the director considers appropriate. , **and**

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

(c) by any audio means,

(c.1) by any video or other electronic means of communication,

(c.2) by any means provided for in the regulations, or

(d) by any combination of the methods under paragraphs (a) to (c.2).

44 Section 69 (1) (b) is amended by striking out “documents” and substituting “records”.

45 Section 70 is amended

(a) by repealing subsection (1) (a) and (b),

(b) in subsection (2) by striking out “30 day period in” and substituting “30-day period under”, and

(c) by adding the following subsections:

(2.1) Subject to subsection (2.2), a decision of the director may be given orally or in writing.

(2.2) A decision of the director must be in writing and be signed and dated by the director

(a) if the decision is a record of agreement made under section 57.2, or

(b) in prescribed circumstances.

CLAUSE 46: *[Manufactured Home Park Tenancy Act, section 71]* clarifies when the time period for requesting corrections and clarifications begins to run.

CLAUSE 47: *[Manufactured Home Park Tenancy Act, section 72]*

- replaces references, to be consistent with terminology used in amendments made to the Act by the *Administrative Tribunals Statutes Amendment Act, 2015*;
- clarifies which dispute resolution proceeding is the “original dispute resolution proceeding” if the parties engage in multiple proceedings.

CLAUSE 48: *[Manufactured Home Park Tenancy Act, section 73]* clarifies when the time period for making applications for review begins to run, if more than one period applies.

CLAUSE 49: *[Manufactured Home Park Tenancy Act, section 73]* clarifies when the time period for making applications for review begins to run, if reasons for a decision or order are given in more than one form and are received on different dates.

CLAUSE 50: *[Manufactured Home Park Tenancy Act, section 74]* amends terminology to be consistent with that used in the amendment made by this Bill to section 52 of the Act.

CLAUSE 51: *[Manufactured Home Park Tenancy Act, section 80.01]* relocates provisions that are relevant only to Part 6.1 of the Act from section 9 of the Act to Part 6.1 of the Act.

46 Section 71 is amended by adding the following subsection:

- (2.1) If reasons for a decision or order are given in more than one form and are received on different dates, the 15-day period under subsection (1.1) (b) begins on the latest date that applies.

47 Section 72 is amended

(a) in subsection (2) (b.1), (b.2), (b.3), (d) and (e) by striking out “hearing” wherever it appears and substituting “dispute resolution proceeding”, and

(b) by adding the following subsection:

- (2.1) For the purposes of subsection (2), if the parties engage in more than one dispute resolution proceeding, the reference in that subsection to the “original dispute resolution proceeding” must be read as a reference to the dispute resolution proceeding that gave rise to the decision or order of the director that is the subject of the application for review.

48 Section 73 is amended

(a) by renumbering the section as section 73 (1), and

(b) by adding the following subsection:

- (2) If more than one period applies under subsection (1), the application must be made within the shortest period that applies.

49 Section 73 is amended by adding the following subsection:

- (3) If reasons for a decision or order are given in more than one form and are received on different dates, the relevant period under subsection (1) begins on the earliest date that applies.

50 Section 74 (1) (b) (iv) is amended by adding “, vexatious” after “is frivolous”.

51 The following section is added to Part 6.1:

Investigation and administrative penalties

- 80.01** (1) The director may establish and publish rules of procedure for the conduct of proceedings under this Part.
- (2) The director may not assign or delegate to the same person both the function of conducting investigations under section 80.1 [*investigations*] into a matter and the power to impose penalties under section 80.3 [*administrative penalties*] in relation to that matter.
- (3) The director may establish different rules for different types or classes of issues, circumstances or records.

CLAUSE 51: *[Manufactured Home Park Tenancy Act, section 80.01 – continued]*

CLAUSE 52: *[Manufactured Home Park Tenancy Act, section 80.5]* amends the required content of a notice of administrative penalty to align with section 80.3 (1) of the Act.

CLAUSE 53: *[Manufactured Home Park Tenancy Act, section 80.9]*

- clarifies that a certificate to recover an administrative penalty may be filed in either the Supreme Court or the Provincial Court;
- amends the required content of a certificate to recover an administrative penalty to align with section 80.3 (1) of the Act.

CLAUSE 54: *[Manufactured Home Park Tenancy Act, heading to Division 1 of Part 7]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 55: *[Manufactured Home Park Tenancy Act, section 81]*

- replaces a reference, to accommodate electronic and other forms of records;
- repeals a redundant provision.

CLAUSE 56: *[Manufactured Home Park Tenancy Act, section 82]*

- repeals redundant provisions;
- updates requirements for giving notices of administrative penalties.

(4) The director may publish, or otherwise make available to the public, the following:

- (a) notices, decisions, orders or agreements, or summaries of them, made under this Part;
- (b) penalty payment status.

52 ***Section 80.5 (a) is repealed and the following substituted:***

- (a) the contravention, failure or false or misleading information to which the penalty relates; .

53 ***Section 80.9 is amended***

(a) in subsection (2) by striking out “file a certificate in a court that has jurisdiction and, upon filing,” and substituting “file a certificate in the Supreme Court or the Provincial Court and, on filing,”, and

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

- (b) the contravention, failure or false or misleading information in relation to which the penalty is imposed, and .

54 ***The heading to Division 1 of Part 7 is repealed and the following substituted:***

Division 1 – How to Give or Serve Records .

55 ***Section 81 is amended***

(a) by striking out “documents” and substituting “records”, and

(b) by repealing paragraph (i).

56 ***Section 82 is amended***

(a) by repealing subsections (1) (e) and (2) (e), and

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

(3) A notice given under section 80.5 [*notice of administrative penalty*] must be given in one of the following ways:

- (a) by leaving a copy with the person or the person’s agent;
- (b) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (c) if the person is a tenant, landlord or any other person, by sending a copy by registered mail to the address at which
 - (i) the person resides or carries on business, or
 - (ii) the person’s agent carries on business;

CLAUSE 56: *[Manufactured Home Park Tenancy Act, section 82 – continued]*

CLAUSE 57: *[Manufactured Home Park Tenancy Act, section 82]* requires records under Part 6 to be given to or served on a person by a means provided for in the regulations.

CLAUSE 58: *[Manufactured Home Park Tenancy Act, section 83]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 59: *[Manufactured Home Park Tenancy Act, section 83]*

- is consequential to the amendment made by this Bill to section 82 of the Act;
- provides for deemed receipt, as provided for in the regulations, of records given or served for the purposes of Part 6.

CLAUSE 60: *[Manufactured Home Park Tenancy Act, section 88]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 61: *[Manufactured Home Park Tenancy Act, section 89]*

- is consequential to the amendment made by this Bill to sections 52, 54, 55 and 70 of the Act;
- updates not-in-force regulation-making powers enacted by section 136 of the *Administrative Tribunals Statutes Amendment Act, 2015*, consequential to the amendment made by this Bill to section 67 of the Act.

- (d) if permitted by the regulations, by a means provided for in section 81 *[how to give or serve records generally]*;
- (e) by another means provided for in the regulations.

57 Section 82 (1) and (2) is repealed and the following substituted:

- (1) A record that is required or permitted under Part 6 *[Resolving Disputes]* to be given to or served on a person must be given or served by a means provided for in the regulations.

58 Section 83 is amended by striking out “document” wherever it appears and substituting “record”.

59 Section 83 is amended

- (a) by renumbering the section as section 83 (1),**
- (b) in subsection (1) by striking out “or 82 *[special rules for certain records]*” and substituting “or 82 (3) *[special rules for notice of administrative penalty]*”, and**
- (c) by adding the following subsection:**
 - (2) A record given or served in accordance with section 82 (1) *[special rules for Part 6]* is deemed to be received as provided for in the regulations unless received earlier.

60 Section 88 (2) is amended by striking out “document” and substituting “record”.

61 Section 89 (2) is amended by adding the following paragraphs:

- (i.1) respecting dispute resolution proceedings and processes, including
 - (i) respecting the types of dispute resolution processes that may be used to resolve disputes,
 - (ii) requiring different dispute resolution processes to be used to resolve different types or classes of disputes, and
 - (iii) for the purposes of section 67 (2) (c.2) *[how dispute resolution proceedings may be conducted]*, respecting other means of communication for conducting dispute resolution proceedings;
- (p.1) prescribing time limits for the purposes of section 52 (3) *[starting proceedings]*;
- (p.2) respecting circumstances in which the director must be given notice under section 52 (3) (b);
- (p.3) respecting reasons for refusing to accept or dismissing an application for dispute resolution;
- (p.4) respecting circumstances in which a decision of the director may not be given orally; .

CLAUSE 62: ***[Manufactured Home Park Tenancy Act, section 89]*** is consequential to the amendment made by this Bill to sections 82 and 83 of the Act.

CLAUSE 63: ***[Manufactured Home Park Tenancy Act, section 96.1]*** repeals a spent provision.

CLAUSE 64: ***[Residential Tenancy Act, section 1]*** updates not-in-force definitions enacted by section 161 of the *Administrative Tribunals Statutes Amendment Act, 2015*, consequential to the addition by this Bill of sections 57.7 and 87.01 to the Act.

CLAUSE 65: ***[Residential Tenancy Act, section 5.1]*** amends a not-in-force provision enacted by section 177 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to remove the incorporation by reference of requirements and regulation-making powers under the *Administrative Tribunals Act* with respect to annual reports.

62 Section 89 (2) (r) is repealed and the following substituted:

- (r) respecting means of giving or serving records, including
 - (i) providing for different means of giving or serving records for different purposes, to the director or to different classes of persons, and
 - (ii) prescribing when records given or served by those means are deemed to be received; .

63 Section 96.1 is repealed.

Residential Tenancy Act

64 Section 1 of the Residential Tenancy Act, S.B.C. 2002, c. 78, is amended by adding the following definitions:

“dispute resolution process” means a process, including, without limitation, a facilitated settlement process and a hearing under Part 5 [*Resolving Disputes*], that is established by the regulations or the director to resolve one or more issues in dispute;

“facilitated settlement process” means a process established by the director to assist the parties to an application for dispute resolution to resolve their dispute;

“rules of procedure” means the rules of procedure established by the director under section 57.7 [*dispute resolution services*] or 87.01 [*investigation and administrative penalties*]; .

65 Section 5.1 is repealed and the following substituted:

Application of Administrative Tribunals Act

5.1 (1) The following provisions of the *Administrative Tribunals Act* apply to the director, as if the director were a tribunal, to dispute resolution proceedings under Division 1 of Part 5 of this Act, to reviews under Division 2 of Part 5 of this Act and to the imposition and review of administrative penalties under Part 5.1 of this Act:

- (a) Part 1 [*Interpretation and Application*], except for the definition of “facilitated settlement process”;
- (b) section 29 [*disclosure protection*];
- (c) section 44 [*tribunal without jurisdiction over constitutional questions*];
- (d) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*];
- (e) section 48 [*maintenance of order at hearings*];
- (f) section 56 [*immunity protection for tribunal and members*];

CLAUSE 65: *[Residential Tenancy Act, section 5.1 – continued]*

CLAUSE 66: *[Residential Tenancy Act, section 9]* is consequential to the addition by this Bill of sections 57.7 and 87.01 to the Act.

CLAUSE 67: *[Residential Tenancy Act, section 9.1]* is consequential to the amendments made by this Bill to section 1 of the Act.

CLAUSE 68: *[Residential Tenancy Act, section 38]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 69: *[Residential Tenancy Act, section 43.1]* is consequential to the amendments made by this Bill to sections 90 and 97 of the Act.

CLAUSE 70: *[Residential Tenancy Act, section 51]* amends terminology to be consistent with that used in the amendment made by this Bill to section 51.1 of the Act.

CLAUSE 71: *[Residential Tenancy Act, section 51.1]* clarifies that the landlord must establish that prescribed circumstances are met to avoid paying compensation to a tenant under section 51.1 of the Act.

- (g) section 57 [*time limit for judicial review*];
- (h) section 58 [*standard of review with privative clause*];
- (i) section 59.1 [*surveys*];
- (j) section 60 (1) (i) and (2) [*power to make regulations*];
- (k) section 61 [*application of Freedom of Information and Protection of Privacy Act*].

(2) In applying sections 29, 56 and 61 of the *Administrative Tribunals Act* for the purposes of Part 5 of this Act, a reference in those sections to a facilitated settlement process must be read as a reference to a facilitated settlement process under that Part.

66 Section 9 (3), (4) and (5) is repealed and the following substituted:

(5) The director may provide information to landlords and tenants about their rights and obligations under this Act.

67 Section 9.1 (1) is amended by striking out “under section 9 (3)” and substituting “to establish rules of procedure”.

68 Section 38 (8) (a) is amended by striking out “document” and substituting “record”.

69 Section 43.1 (1) is amended by striking out “section 90 (a), (b), (c) or (d), or that is prescribed under section 97 (2) (p),” and substituting “section 90 (1), or that is prescribed under section 97 (2) (p) (ii),”.

70 Section 51 (2) is amended

(a) by striking out “if the landlord or purchaser, as applicable, does not establish that” and substituting “unless the landlord or purchaser, as applicable, establishes that both of the following conditions are met:”, and

(b) in paragraph (a) by striking out “notice, and” and substituting “notice;”.

71 Section 51.1 (1) is amended

(a) by striking out “under the tenancy agreement if” and substituting “under the tenancy agreement unless the landlord establishes that both of the following conditions are met:”,

(b) by repealing paragraph (a) and substituting the following:

(a) steps have been taken, within a reasonable period after the date the tenancy ended, to satisfy the prescribed circumstance; , **and**

(c) in paragraph (b) by striking out “the rental unit is not used in a way” and substituting “the rental unit is used in a way”.

- CLAUSE 72: ***[Residential Tenancy Act, section 51.4]*** amends terminology to be consistent with that used in the amendment made by this Bill to section 51.1 of the Act.
- CLAUSE 73: ***[Residential Tenancy Act, section 57.7]*** gives direction with respect to how dispute resolution services are to be provided.
- CLAUSE 74: ***[Residential Tenancy Act, section 57.7]*** relocates provisions respecting the director’s rule-making powers that are relevant only to Part 5 of the Act, including relocating not-in-force provisions enacted by section 162 of the *Administrative Tribunals Statutes Amendment Act, 2015*, from section 9 of the Act to Part 5 of the Act.

72 *Section 51.4 (4) is amended by striking out “if the landlord does not establish that” and substituting “unless the landlord establishes that”.*

73 *The following section is added to Division 1 of Part 5:*

Dispute resolution services

57.7 In providing dispute resolution services under this Part, the director must act in a manner that

- (a) is accessible, timely and flexible, and
- (b) recognizes any relationships between parties to a dispute that will likely continue after proceedings under this Part are concluded.

74 *Section 57.7 is amended*

(a) by renumbering the section as section 57.7 (1), and

(b) by adding the following subsections:

- (2) The director may assist landlords and tenants to resolve any dispute in relation to which an application for dispute resolution has been or may be made.
- (3) The director may establish and publish rules of procedure to facilitate the resolution of disputes under this Part.
- (4) Without limiting subsection (3), the director may establish rules as follows:
 - (a) respecting applications for dispute resolution;
 - (b) respecting dispute resolution proceedings and processes, including, without limitation,
 - (i) the conduct of dispute resolution proceedings, and
 - (ii) the movement of disputes between different dispute resolution processes;
 - (c) respecting the disclosure, exchange or provision of information and records by parties before or during a dispute resolution process;
 - (d) respecting the effect of a party’s non-compliance with the rules of procedure.
- (5) The director may establish different rules for different types or classes of disputes, claims, issues, circumstances, information, records or dispute resolution processes.
- (6) The director may publish, or otherwise make available to the public, decisions or orders, or summaries of them, made under this Part.

CLAUSE 75: ***[Residential Tenancy Act, section 58]*** amends terminology to be consistent with that used in amendments made by the *Administrative Tribunals Statutes Amendment Act, 2015*, to various provisions of the Act.

CLAUSE 76: ***[Residential Tenancy Act, section 58]*** clarifies, for the purpose of determining whether the director may resolve a dispute, that compensation received under an order made under section 49.2 of the Act is excluded from the calculation of the amount claimed.

CLAUSE 77: ***[Residential Tenancy Act, section 59]***

- if required under the regulations, requires an applicant for dispute resolution to give notice to the director that the other party has been given a copy of the application;
- adds reasons for which the director may refuse an application;
- updates not-in-force references to notices of dispute resolution proceedings, enacted by section 167 of the *Administrative Tribunals Statutes Amendment Act, 2015*, for consistency with amendments made by this Bill to section 59 of the Act.

75 Section 58 is amended

(a) in subsection (2) by striking out “must not determine a dispute” and substituting “must not resolve a dispute”, and

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

(a) order that the director resolve the dispute, or .

76 Section 58 (2) (a) is repealed and the following substituted:

(a) the amount claimed for debt or damages is more than the monetary limit for claims under the *Small Claims Act*, excluding any amount claimed under any of the following provisions of this Act:

(i) section 51 (1) or (2) [*tenant’s compensation: section 49 notice*];

(ii) section 51.1 [*tenant’s compensation: requirement to vacate*];

(iii) section 51.3 [*tenant’s compensation: no right of first refusal*];

(iv) section 51.4 [*tenant’s compensation: section 49.2 order*]; .

77 Section 59 (3) and (5) is repealed and the following substituted:

(3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution

(a) must give a copy of the application and the notice of dispute resolution proceeding referred to in section 61 to the other party within the prescribed time period, and

(b) must, if required under the regulations and within the prescribed time period, give to the director notice in the approved form, accompanied by proof that the other party has been given a copy of the application as required under paragraph (a).

(3.1) Despite subsection (3), the director may specify

(a) a period that differs from the prescribed time period,

(b) different time periods for each of paragraphs (a) and (b) of subsection (3), and

(c) a new time period to replace a time period already specified.

(5) The director may refuse to accept an application for dispute resolution for any of the following reasons:

(a) in the director’s opinion,

(i) the application does not disclose a dispute that can be resolved under this Part, or

(ii) the application is frivolous, vexatious or an abuse of the dispute resolution process;

CLAUSE 77: *[Residential Tenancy Act, section 59 – continued]*

CLAUSE 78: *[Residential Tenancy Act, section 61]* clarifies the relationship between section 61 of the Act and section 62 of the Act.

CLAUSE 79: *[Residential Tenancy Act, section 61]* updates not-in-force references to dispute resolution processes, enacted by section 168 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to be consistent with amendments made by this Bill to section 61 of the Act.

CLAUSE 80: *[Residential Tenancy Act, section 62]* provides additional grounds for dismissing an application for dispute resolution proceedings.

CLAUSE 81: *[Residential Tenancy Act, section 63]* amends a not-in-force provision enacted by section 170 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to ensure the director’s continued authority to assist with settling disputes.

- (b) the applicant owes outstanding fees or administrative penalty amounts under this Act to the government;
- (c) the application does not meet the requirements of subsection (2);
- (d) a prescribed reason.

78 Section 61 is repealed and the following substituted:

Notice of dispute resolution proceeding

- 61**
- (1) This section applies if an application for dispute resolution
 - (a) is properly completed,
 - (b) is accepted by the director, and
 - (c) is not dismissed under section 62 (4) [*director's authority respecting dispute resolution proceedings*].
 - (2) If this section applies, the director must set the matter down for a hearing and,
 - (a) if the hearing is to be oral, specify the date, time and place of the hearing, and
 - (b) if the hearing is to be in writing, specify when written submissions are due.

79 Section 61 (2) is repealed and the following substituted:

- (2) If this section applies, the director
 - (a) must, subject to the regulations, determine which dispute resolution processes will be used to resolve the dispute, and
 - (b) must give the person who made the application a notice of dispute resolution proceeding
 - (i) indicating that a dispute resolution proceeding to resolve the dispute has been started, and
 - (ii) setting out the particulars of any dispute resolution process determined under paragraph (a).

80 Section 62 (4) is repealed and the following substituted:

- (4) At any time, the director may dismiss all or part of an application for dispute resolution for any of the following reasons:
 - (a) there are no reasonable grounds for the application or part;
 - (b) unless the regulations provide otherwise, any reason for which an application could be refused under section 59 (5) [*starting proceedings*];
 - (c) without limiting section 59 (5) (d), a prescribed reason.

81 Section 63 (2) is repealed.

CLAUSE 82: ***[Residential Tenancy Act, sections 64.1 and 64.2]*** amends not-in-force provisions enacted by section 172 of the *Administrative Tribunals Statutes Amendment Act, 2015*, that provide for facilitated settlement processes

- to be consistent with terminology used in amendments made by this Bill to the Act, and
- to clarify that section 64.2 of the Act applies regardless of whether a dispute was resolved during a dispute resolution proceeding.

CLAUSE 83: ***[Residential Tenancy Act, section 66]***

- is consequential to the amendment made by this Bill to section 59 of the Act;
- clarifies that exceptional circumstances are not required to take an action under section 59 (3.1) of the Act or to extend time periods under section 81 (4) of the Act.

CLAUSE 84: ***[Residential Tenancy Act, section 71]*** replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 85: ***[Residential Tenancy Act, section 74]***

- removes a limitation on audio means of communication;
- amends not-in-force provisions enacted by section 174 of the *Administrative Tribunals Statutes Amendment Act, 2015*, to be consistent with terminology used in amendments made by this Bill to the Act.

82 *The following sections are added:*

Facilitated settlement process

- 64.1** (1) If required under the regulations, the parties to an application for dispute resolution must participate in a facilitated settlement process.
- (2) During a facilitated settlement process, the director may proceed under this Part to resolve one or more of the issues or claims in dispute on the basis of the information received by the director and without any further dispute resolution process under this Division if
- (a) the parties agree to a direct resolution, by the director, of the issue or claim, or
 - (b) a party does not participate in the facilitated settlement process.
- (3) Despite subsection (1), before or during a facilitated settlement process, the director may require the dispute to proceed to a hearing under this Division
- (a) if, in the director’s opinion, the parties are unlikely to resolve their dispute by agreement, or
 - (b) in any circumstances provided for in the rules of procedure.

Decision or order if parties resolve dispute by agreement

- 64.2** If the parties resolve their dispute by agreement, whether or not during a dispute resolution proceeding, the director may record the agreement in the form of a decision or order under this Part.

83 *Section 66 (1) is repealed and the following substituted:*

- (1) The director may extend a time limit established by this Act only in exceptional circumstances.
- (1.1) Despite subsection (1), exceptional circumstances are not required to do any of the following:
 - (a) take an action under section 59 (3.1) [*starting proceedings*];
 - (b) extend a period under section 81 (4) [*decision on application for review*].

84 *Section 71 is amended by striking out “document” wherever it appears and substituting “record”.*

85 *Section 74 is amended*

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

- (1) Subject to the regulations and the rules of procedure, the director may conduct a dispute resolution proceeding under this Division in the manner the director considers appropriate. , **and**

CLAUSE 85: *[Residential Tenancy Act, section 74 – continued]*

CLAUSE 86: *[Residential Tenancy Act, section 76]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 87: *[Residential Tenancy Act, section 77]*

- changes typographical style for consistency within the Act;
- authorizes the director to give reasons orally except in the case of decisions under section 64.2 of the Act or if prescribed circumstances apply.

CLAUSE 88: *[Residential Tenancy Act, section 78]* clarifies when the time period for requesting corrections and clarifications begins to run.

CLAUSE 89: *[Residential Tenancy Act, section 79]*

- replaces references to be consistent with terminology used in amendments made to the Act by the *Administrative Tribunals Statutes Amendment Act, 2015*;
- clarifies which dispute resolution proceeding is the “original dispute resolution proceeding” if the parties engage in multiple proceedings.

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

- (c) by any audio means,
- (c.1) by any video or other electronic means of communication,
- (c.2) by any means provided for in the regulations, or
- (d) by any combination of the methods under paragraphs (a) to (c.2).

86 ***Section 76 (1) (b) is amended by striking out “documents” and substituting “records”.***

87 ***Section 77 is amended***

(a) by repealing subsection (1) (a) and (b),

(b) in subsection (2) by striking out “30 day period in” and substituting “30-day period under”, and

(c) by adding the following subsections:

- (2.1) Subject to subsection (2.2), a decision of the director may be given orally or in writing.
- (2.2) A decision of the director must be in writing and be signed and dated by the director
 - (a) if the decision is a record of agreement made under section 64.2, or
 - (b) in prescribed circumstances.

88 ***Section 78 is amended by adding the following subsection:***

- (2.1) If reasons for a decision or order are given in more than one form and are received on different dates, the 15-day period under subsection (1.1) (b) begins on the latest date that applies.

89 ***Section 79 is amended***

(a) in subsection (2) (b.1), (b.2), (b.3), (d) and (e) by striking out “hearing” wherever it appears and substituting “dispute resolution proceeding”, and

(b) by adding the following subsection:

- (2.1) For the purposes of subsection (2), if the parties engage in more than one dispute resolution proceeding, the reference in that subsection to the “original dispute resolution proceeding” must be read as a reference to the dispute resolution proceeding that gave rise to the decision or order of the director that is the subject of the application for review.

CLAUSE 90: *[Residential Tenancy Act, section 80]* clarifies when the time period for making applications for review begins to run, if more than one period applies.

CLAUSE 91: *[Residential Tenancy Act, section 80]* clarifies when the time period for making applications for review begins to run, if reasons for a decision or order are given in more than one form and are received on different dates.

CLAUSE 92: *[Residential Tenancy Act, section 81]* amends terminology to be consistent with that used in the amendment made by this Bill to section 59 of the Act.

CLAUSE 93: *[Residential Tenancy Act, section 87.01]* relocates provisions that are relevant only to Part 5.1 of the Act from section 9 of the Act to Part 5.1 of the Act.

CLAUSE 94: *[Residential Tenancy Act, section 87.5]* amends the required content of a notice of administrative penalty to align with section 87.3 (1) of the Act.

CLAUSE 95: *[Residential Tenancy Act, section 87.9]*

- clarifies that a certificate to recover an administrative penalty may be filed in either the Supreme Court or the Provincial Court;
- amends the required content of a certificate to recover an administrative penalty to align with section 87.3 (1) of the Act.

90 Section 80 is amended

(a) by renumbering the section as section 80 (1), and

(b) by adding the following subsection:

- (2) If more than one period applies under subsection (1), the application must be made within the shortest period that applies.

91 Section 80 is amended by adding the following subsection:

- (3) If reasons for a decision or order are given in more than one form and are received on different dates, the relevant period under subsection (1) begins on the earliest date that applies.

92 Section 81 (1) (b) (iv) is amended by adding “, vexatious” after “is frivolous”.

93 The following section is added to Part 5.1:

Investigation and administrative penalties

87.01 (1) The director may establish and publish rules of procedure for the conduct of proceedings under this Part.

(2) The director may not assign or delegate to the same person both the function of conducting investigations under section 87.1 [*investigations*] into a matter and the power to impose penalties under section 87.3 [*administrative penalties*] in relation to that matter.

(3) The director may establish different rules for different types or classes of issues, circumstances or records.

(4) The director may publish, or otherwise make available to the public, the following:

- (a) notices, decisions, orders or agreements, or summaries of them, made under this Part;
- (b) penalty payment status.

94 Section 87.5 (a) is repealed and the following substituted:

(a) the contravention, failure or false or misleading information to which the penalty relates; .

95 Section 87.9 is amended

(a) in subsection (2) by striking out “file a certificate in a court that has jurisdiction and, upon filing,” and substituting “file a certificate in the Supreme Court or the Provincial Court and, on filing,” and

CLAUSE 95: *[Residential Tenancy Act, section 87.9 – continued]*

CLAUSE 96: *[Residential Tenancy Act, heading to Division 1 of Part 6]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 97: *[Residential Tenancy Act, section 88]*

- replaces a reference, to accommodate electronic and other forms of records;
- repeals a redundant provision.

CLAUSE 98: *[Residential Tenancy Act, section 89]*

- repeals redundant provisions;
- updates requirements for giving notices of administrative penalties.

CLAUSE 99: *[Residential Tenancy Act, section 89]* requires records under Part 5 to be given to or served on a person by a means provided for in the regulations.

CLAUSE 100: *[Residential Tenancy Act, section 90]* replaces a reference, to accommodate electronic and other forms of records.

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

- (b) the contravention, failure or false or misleading information in relation to which the penalty is imposed, and .

96 *The heading to Division 1 of Part 6 is repealed and the following substituted:*

Division 1 – How to Give or Serve Records .

97 *Section 88 is amended*

(a) by striking out “documents” and substituting “records”, and

(b) by repealing paragraph (i).

98 *Section 89 is amended*

(a) by repealing subsections (1) (e) and (2) (e), and

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

- (3) A notice given under section 87.5 [*notice of administrative penalty*] must be given in one of the following ways:
 - (a) by leaving a copy with the person or the person’s agent;
 - (b) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
 - (c) if the person is a tenant, landlord or any other person, by sending a copy by registered mail to the address at which
 - (i) the person resides or carries on business, or
 - (ii) the person’s agent carries on business;
 - (d) if permitted by the regulations, by a means provided for in section 88 [*how to give or serve records generally*];
 - (e) by another means provided for in the regulations.

99 *Section 89 (1) and (2) is repealed and the following substituted:*

- (1) A record that is required or permitted under Part 5 [*Resolving Disputes*] to be given to or served on a person must be given or served by a means provided for in the regulations.

100 *Section 90 is amended by striking out “document” wherever it appears and substituting “record”.*

CLAUSE 101: *[Residential Tenancy Act, section 90]*

- is consequential to the amendment made by this Bill to section 89 of the Act;
- provides for deemed receipt, as provided for in the regulations, of records given or served for the purposes of Part 5.

CLAUSE 102: *[Residential Tenancy Act, section 96]* replaces a reference, to accommodate electronic and other forms of records.

CLAUSE 103: *[Residential Tenancy Act, section 97]*

- is consequential to the amendment made by this Bill to sections 59, 61, 62 and 77 of the Act;
- updates not-in-force regulation-making powers enacted by section 182 of the *Administrative Tribunals Statutes Amendment Act, 2015*, consequential to the amendment made by this Bill to section 74 of the Act.

CLAUSE 104: *[Residential Tenancy Act, section 97]* is consequential to the amendment made by this Bill to sections 89 and 90 of the Act.

CLAUSE 105: *[Residential Tenancy Act, section 104.1]* repeals a spent provision.

101 Section 90 is amended

(a) by renumbering the section as section 90 (1),

(b) in subsection (1) by striking out “or 89 [special rules for certain records]” and substituting “or 89 (3) [special rules for notice of administrative penalty]”, and

(c) by adding the following subsection:

- (2) A record given or served in accordance with section 89 (1) [special rules for Part 5] is deemed to be received as provided for in the regulations unless received earlier.

102 Section 96 (2) is amended by striking out “document” and substituting “record”.

103 Section 97 (2) is amended by adding the following paragraphs:

- (i.1) respecting dispute resolution proceedings and processes, including
- (i) respecting the types of dispute resolution processes that may be used to resolve disputes,
 - (ii) requiring different dispute resolution processes to be used to resolve different types or classes of disputes, and
 - (iii) for the purposes of section 74 (2) (c.2) [how dispute resolution proceedings may be conducted], respecting other means of communication for conducting dispute resolution proceedings;
- (o.1) prescribing time limits for the purposes of section 59 (3) [starting proceedings];
- (o.2) respecting circumstances in which the director must be given notice under section 59 (3) (b);
- (o.3) respecting reasons for refusing to accept or dismissing an application for dispute resolution;
- (o.4) respecting circumstances in which a decision of the director may not be given orally; .

104 Section 97 (2) (p) is repealed and the following substituted:

- (p) respecting means of giving or serving records, including
- (i) providing for different means of giving or serving records for different purposes, to the director or to different classes of persons, and
 - (ii) prescribing when records given or served by those means are deemed to be received; .

105 Section 104.1 is repealed.

CLAUSE 106: *[Administrative Tribunals Statutes Amendment Act, 2015, various provisions]* is consequential to

- the amendment, enactment or repeal by this Bill of various provisions of the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*, and
- the amendments made by this Bill to not-in-force provisions of the *Manufactured Home Park Tenancy Act* and the *Residential Tenancy Act*, enacted by the *Administrative Tribunals Statutes Amendment Act, 2015*.

CLAUSE 107: *[Natural Gas Development Statutes Amendment Act, 2015, section 56]* is consequential to the repeal by this Bill of section 164 of the *Administrative Tribunals Statutes Amendment Act, 2015*.

CLAUSE 108: *[North Island-Coast Development Initiative Trust Act, section 1]* excludes money paid by the government for services further to an agreement from the meaning of “North Island-Coast one-time development allocation”.

CLAUSE 109: *[North Island-Coast Development Initiative Trust Act, section 17]* increases by \$10 million the total amount that may be paid by the government as a North Island-Coast one-time development allocation.

CLAUSE 110: *[North Island-Coast Development Initiative Trust Act, section 20]* removes Olympic opportunities and adds technology and innovation as one of the purposes for which the money in the Regional Account may be spent.

Consequential Amendments

Administrative Tribunals Statutes Amendment Act, 2015

- 106 *Sections 116, 117, 118, 121, 122, 123 (c) and (d), 124, 126, 128 (a) and (c), 131, 135 (a) and (c), 136 (a), 137, 161, 162, 163, 164, 167, 168, 169 (c) and (d), 170, 172, 174 (a) and (c), 177, 181 (a) and (c), 182 (a) and 183 of the Administrative Tribunals Statutes Amendment Act, 2015, S.B.C. 215, c. 10, are repealed.*

Natural Gas Development Statutes Amendment Act, 2015

- 107 *Section 56 of the Natural Gas Development Statutes Amendment Act, 2015, S.B.C. 2015, c. 40, is repealed.*

PART 5 – JOBS, ECONOMIC DEVELOPMENT AND INNOVATION AMENDMENTS

North Island-Coast Development Initiative Trust Act

- 108 *Section 1 of the North Island-Coast Development Initiative Trust Act, S.B.C. 2005, c. 36, is amended by repealing the definition of “North Island-Coast one-time development allocation” and substituting the following:*

“North Island-Coast one-time development allocation” means any money paid by the government to the North Island-Coast Development Initiative Trust, other than money paid for services further to an agreement between the government and the North Island-Coast Development Initiative Trust; .

- 109 *Section 17 (1) is amended by striking out “\$60 million” and substituting “\$70 million”.*

- 110 *Section 20 (1) is amended by repealing paragraph (e) and by adding the following paragraph:*

(j) technology and innovation.

- CLAUSE 111: *[Northern Development Initiative Trust Act, section 1]* excludes money paid by the government for services further to an agreement from the meaning of “additional one-time allocation”.
- CLAUSE 112: *[Northern Development Initiative Trust Act, section 10]* provides for an exception by government direction in respect of the allocation of the additional one-time allocation to various accounts.
- CLAUSE 113: *[Northern Development Initiative Trust Act, section 13.1]* increases by \$10 million the total amount that may be paid by the government as an additional one-time allocation to the Northern Development Initiative Trust.
- CLAUSE 114: *[Northern Development Initiative Trust Act, section 18]* removes Olympic opportunities and adds technology and innovation as one of the purposes for which the money in the Cross-regional Account or regional development accounts may be spent.
- CLAUSE 115: *[Southern Interior Development Initiative Trust Act, section 1]* excludes money paid by the government for services further to an agreement from the meaning of “Southern Interior one-time development allocation”.

Northern Development Initiative Trust Act

111 *Section 1 of the Northern Development Initiative Trust Act, S.B.C. 2004, c. 69, is amended by repealing the definition of “additional one-time allocation” and substituting the following:*

“additional one-time allocation” means any money paid by the government to the Northern Development Initiative Trust, other than

- (a) the northern development allocation, and
- (b) money paid for services further to an agreement between the government and the Northern Development Initiative Trust; .

112 *Section 10 (1.1) (b) is amended by adding “, unless otherwise directed by the government,” after “the additional one-time allocation and”.*

113 *Section 13.1 is amended by striking out “\$50 million” and substituting “\$60 million”.*

114 *Section 18 is amended*

(a) in subsection (1) by repealing paragraph (f) and by adding the following paragraph:

- (k) technology and innovation. , *and*

(b) in subsection (2) by striking out “paragraphs (a) to (j)” and substituting “paragraphs (a) to (k)”.

Southern Interior Development Initiative Trust Act

115 *Section 1 of the Southern Interior Development Initiative Trust Act, S.B.C. 2005, c. 39, is amended by repealing the definition of “Southern Interior one-time development allocation” and substituting the following:*

“Southern Interior one-time development allocation” means any money paid by the government to the Southern Interior Development Initiative Trust, other than money paid for services further to an agreement between the government and the Southern Interior Development Initiative Trust; .

CLAUSE 116: *[Southern Interior Development Initiative Trust Act, section 17]*

- increases by \$10 million the total amount that may be paid by the government as a Southern Interior one-time development allocation;
- clarifies powers and duties of the directors in relation to the receipt, deposit, investment and use of money paid by the government as a Southern Interior one-time development allocation.

CLAUSE 117: *[Southern Interior Development Initiative Trust Act, section 20]* removes Olympic opportunities and adds technology and innovation as one of the purposes for which the money in the Regional Account may be spent.

CLAUSE 118: *[Local Government Act, section 647.1]* clarifies, for consistency, the rule that the collector must offer for sale by public auction each parcel of real property on which taxes are delinquent.

116 Section 17 is amended

(a) *by renumbering the section as section 17 (1),*

(b) *in subsection (1) by striking out “\$50 million” and substituting “\$60 million”, and*

(c) *by adding the following subsection:*

(2) Section 7 (2) (b), (c) and (d) applies to the directors of the Southern Interior Development Initiative Trust.

117 Section 20 (1) is amended by repealing paragraph (f) and by adding the following paragraph:

(k) technology and innovation.

PART 6 – MUNICIPAL AFFAIRS AMENDMENTS

Local Government Act

118 Section 647.1 (2) (e) of the Local Government Act, R.S.B.C. 2015, c. 1, as enacted by section 13 of the Miscellaneous Statutes Amendment Act, 2023, S.B.C. 2023, c. 2, is amended by striking out “amounts referred to in section 649 (1) (a) and (b) [upset price for tax sale] are” and substituting “amount of delinquent taxes calculated in accordance with section 246 [delinquent taxes] of the Community Charter is”.

Commencement

119 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 24	By regulation of the Lieutenant Governor in Council
3	Sections 26 to 30	By regulation of the Lieutenant Governor in Council
4	Sections 32 and 33	By regulation of the Lieutenant Governor in Council
5	Section 35	By regulation of the Lieutenant Governor in Council

Item	Column 1 Provisions of Act	Column 2 Commencement
6	Sections 37 to 41	By regulation of the Lieutenant Governor in Council
7	Section 43	By regulation of the Lieutenant Governor in Council
8	Sections 45 to 47	By regulation of the Lieutenant Governor in Council
9	Sections 49 to 51	By regulation of the Lieutenant Governor in Council
10	Section 57	By regulation of the Lieutenant Governor in Council
11	Section 59	By regulation of the Lieutenant Governor in Council
12	Section 61	By regulation of the Lieutenant Governor in Council
13	Sections 64 to 67	By regulation of the Lieutenant Governor in Council
14	Section 69	By regulation of the Lieutenant Governor in Council
15	Sections 74 and 75	By regulation of the Lieutenant Governor in Council
16	Section 77	By regulation of the Lieutenant Governor in Council
17	Sections 79 to 83	By regulation of the Lieutenant Governor in Council
18	Section 85	By regulation of the Lieutenant Governor in Council
19	Sections 87 to 89	By regulation of the Lieutenant Governor in Council
20	Sections 91 to 93	By regulation of the Lieutenant Governor in Council
21	Section 99	By regulation of the Lieutenant Governor in Council
22	Section 101	By regulation of the Lieutenant Governor in Council

Item	Column 1 Provisions of Act	Column 2 Commencement
23	Section 103	By regulation of the Lieutenant Governor in Council
24	Section 118	By regulation of the Lieutenant Governor in Council

SCHEDULE 1

(Section 13)

Item	Column 1 Act being amended	Column 2 Provision
1	<i>Community Safety Act</i> , S.B.C. 2013, c. 16	26 (1) and (3)
2	<i>Court of Appeal Act</i> , S.B.C. 2021, c. 6	13 (2) (b)
3	<i>Election Act</i> , R.S.B.C. 1996, c. 106	17 (e) 66 (9)
4	<i>Financial Institutions Act</i> , R.S.B.C. 1996, c. 141	241 (3)
5	<i>Freedom of Information and Protection of Privacy Act</i> , R.S.B.C. 1996, c. 165	3 (3) (b) (ii)
6	<i>Gaming Control Act</i> , S.B.C. 2002, c. 14	63 (3)
7	<i>Gaming Control Act</i> , S.B.C. 2022, c. 29	181 (3)
8	<i>Personal Information Protection Act</i> , S.B.C. 2003, c. 63	3 (2) (e) (iii)
9	<i>Securities Act</i> , R.S.B.C. 1996, c. 418	160 (3) 179 (1)
10	<i>Unclaimed Property Act</i> , S.B.C. 1999, c. 48	18.2 (1) (b)

SCHEDULE 2

(Section 14)

Item	Column 1 Act being amended	Column 2 Provision
1	<i>Community Safety Act</i> , S.B.C. 2013, c. 16	25.1 (5) (b)
2	<i>Family Law Act</i> , S.B.C. 2011, c. 25	223 (1) (c)
3	<i>Sheriff Act</i> , R.S.B.C. 1996, c. 425	6.1 (6) and (7)

SCHEDULE 3

(Section 15)

Item	Column 1 Act being amended	Column 2 Provision
1	<i>Community Safety Act, S.B.C. 2013, c. 16</i>	26 (3) (b) and (4) (b)
2	<i>Financial Institutions Act, R.S.B.C. 1996, c. 141</i>	241 (3) and (5)
3	<i>Gaming Control Act, S.B.C. 2002, c. 14</i>	63 (3)
4	<i>Gaming Control Act, S.B.C. 2022, c. 29</i>	181 (4)
5	<i>Securities Act, R.S.B.C. 1996, c. 418</i>	160 (3) and (5) 179 (2)