

**BILL 45 – 2023**

**MISCELLANEOUS STATUTES  
AMENDMENT ACT (No. 4), 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 – MUNICIPAL AFFAIRS AMENDMENTS**

*Community Charter*

**1** *The Community Charter, S.B.C. 2003, c. 26, is amended by adding the following section to Division 4 of Part 8:*

**Availability of shelter**

- 274.1** For the purposes of enforcing, under section 274, a bylaw against a person who is sheltering at an encampment while homeless, alternative shelter is reasonably available to the person and meets the basic needs of the person for shelter if
- (a) the person may stay overnight at the shelter,
  - (b) the person has access to a bathroom and shower at or near the shelter,
  - (c) the person is offered without charge one meal a day at or near the shelter, and
  - (d) the shelter is staffed when persons are sheltering at the shelter.

*Vancouver Charter*

**2** *The Vancouver Charter, S.B.C. 1953, c. 55, is amended by adding the following section:*

**Availability of shelter**

- 334.1** For the purposes of enforcing, under section 334, a by-law against a person who is sheltering at an encampment while homeless, alternative shelter is reasonably available to the person and meets the basic needs of the person for shelter if
- (a) the person may stay overnight at the shelter,
  - (b) the person has access to a bathroom and shower at or near the shelter,

- (c) the person is offered without charge one meal a day at or near the shelter, and
- (d) the shelter is staffed when persons are sheltering at the shelter.

## **PART 2 – POST-SECONDARY EDUCATION AND FUTURE SKILLS AMENDMENTS**

### *Professional Governance Act*

**3 Section 1 (1) of the Professional Governance Act, S.B.C. 2018, c. 47, is amended**

**(a) by adding the following definitions:**

**“designated profession”** means a profession that is designated by regulation under section 89 (1) [*designation of profession*];

**“professional organization”** means a corporation that

- (a) acts as an advocate for persons who practise a profession, and
- (b) is not a professional regulator; ,

**(b) by repealing the definition of “professional regulator” and substituting the following:**

**“professional regulator”** means a corporation that is responsible for the governance of a profession under an Act of British Columbia, another province or Canada; , **and**

**(c) by repealing the definition of “regulatory body” and substituting the following:**

**“regulatory body”** means a regulatory body set out in section 1 [*regulatory bodies governed by Act*] of Schedule 1 to this Act; .

**4 The following section is added:**

**Corporate powers of regulatory body**

- 21.1** (1) A regulatory body is a corporation consisting of
- (a) the board established under section 23 [*board of regulatory body*], and
  - (b) the persons who are registrants of the regulatory body.
- (2) For the purposes of exercising its powers and performing its duties under this Act, a regulatory body has the powers and capacity of a natural person of full capacity, including the power to acquire and dispose of property.

- (3) The *Business Corporations Act* does not apply to a regulatory body unless the Lieutenant Governor in Council, by regulation, provides that specified provisions of that Act apply to the regulatory body, in which case the specified provisions apply.

**5** *Section 76 (1) is amended by repealing the definition of “different governing body” and substituting the following:*

“different governing body” means

- (a) a professional regulator or regulatory body other than the applicable regulatory body, or
- (b) a body, in a jurisdiction outside Canada, that regulates a profession in that jurisdiction.

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

**Division 1 – Specified Regulatory Bodies Continued as  
Regulatory Bodies Under This Act .**

**7** *Section 87 is repealed and the following substituted:*

**Assessment and recommendation respecting  
designation of profession**

- 87** (1) If the superintendent conducts an assessment under section 85 (3) (b) [*application for designation*] or 86 (1) in respect of a profession, the superintendent must provide a report to the minister that includes the following:
- (a) a recommendation respecting whether the profession should be designated by regulation under section 89 (1) [*designation of profession*];
  - (b) if the superintendent recommends that the profession be designated, a recommendation respecting which one of the following sections should apply:
    - (i) section 90.1 [*new regulatory body established under this Act*];
    - (ii) section 90.2 [*continuation of professional regulator as regulatory body under this Act*];
    - (iii) section 90.4 [*existing regulatory body to be responsible for designated profession*].

- (2) Before providing a report to the minister under subsection (1), the superintendent must do the following:
- (a) consider at least the following matters:
    - (i) the degree of risk to the environment and to the health or safety of the public from incompetent, unethical or impaired practice of the profession;
    - (ii) the degree of supervision necessary or desirable in respect of a person practising the profession;
    - (iii) the degree of supervision that a person practising the profession receives or is likely to receive with respect to that practice;
    - (iv) the educational programs that exist in British Columbia or elsewhere for the proper education and training of persons with respect to the practice of the profession and the contents of those programs;
    - (v) any information obtained during the assessment;
    - (vi) any prescribed criteria respecting matters of public interest that must be considered by the superintendent;
  - (b) provide a copy of the report to the following, as applicable:
    - (i) the professional regulator or professional organization that made the application to the superintendent under section 85 (1);
    - (ii) the professional regulator that governs the profession in respect of which the superintendent conducted the assessment;
    - (iii) a professional organization that, in the opinion of the superintendent, is closely associated with the profession in respect of which the superintendent conducted the assessment;
  - (c) give the applicable professional regulator or professional organization referred to in paragraph (b) an opportunity to be heard.
- (3) The minister must
- (a) consider the report provided to the minister under subsection (1),
  - (b) decide whether it would be in the public interest to recommend to the Lieutenant Governor in Council that the profession be designated by regulation under section 89 (1), and
  - (c) if the minister makes a recommendation to the Lieutenant Governor in Council under paragraph (b), include a recommendation respecting which one of the following sections should apply:
    - (i) section 90.1;
    - (ii) section 90.2;
    - (iii) section 90.4.

- (4) The minister must, in relation to the minister's decision under subsection (3) (b) and, if applicable, the minister's recommendation under subsection (3) (c), provide written reasons to the applicable persons referred to in subsection (2) (b).
- (5) The superintendent must publish the minister's written reasons under subsection (4) on a publicly accessible website maintained by the superintendent.
- (6) For certainty, if the minister decides not to make a recommendation to the Lieutenant Governor in Council that a profession be designated under section 89 (1), an application made to the superintendent under section 85 (1) in respect of the designation of the profession is deemed to have been refused.

**8 Section 88 is amended by repealing paragraph (c).**

**9 Section 89 is amended**

**(a) by repealing subsection (0.1),**

**(b) by adding the following subsection:**

(1.1) In a regulation made under subsection (1), the Lieutenant Governor in Council must do one of the following:

(a) specify

- (i) that a new regulatory body is to be established under section 90.1 *[new regulatory body established under this Act]*,
- (ii) the date on which the establishment of the new regulatory body is to have effect,
- (iii) the name that must be used by the new regulatory body, and
- (iv) if applicable, the name of the professional regulator that, as of the date under subparagraph (ii), will cease to be responsible for the governance of the designated profession;

(b) specify

- (i) the professional regulator that is to be continued as a regulatory body under section 90.2 *[continuation of professional regulator as regulatory body under this Act]*,
- (ii) the date on which the continuation is to have effect, and
- (iii) the name that must be used by the regulatory body, if the name is not the same as the name of the professional regulator;

- (c) specify
  - (i) the existing regulatory body that, under section 90.4 [*existing regulatory body to be responsible for designated profession*], is to be responsible for carrying out the objects of this Act in respect of the designated profession,
  - (ii) the date on which responsibility is to commence, and
  - (iii) if applicable, the name of the professional regulator that, as of the date under subparagraph (ii), will cease to be responsible for the governance of the designated profession. , **and**

*(c) by repealing subsection (2) (a).*

**10** *The following heading is added before section 90:*

**Division 2.1 – Establishment of Regulatory Bodies and  
Continuation of Professional Regulators as Regulatory Bodies .**

**11** *Section 90 is repealed.*

**12** *The following sections are added:*

**New regulatory body established under this Act**

- 90.1** If a regulation under section 89 (1) [*designation of profession*] specifies that this section applies in respect of a designated profession,
- (a) a corporation responsible for carrying out the objects of this Act is, on the date specified in the regulation, established as a regulatory body under this Act in respect of the designated profession,
  - (b) the regulatory body must, on the date specified in the regulation, assume responsibility for carrying out the objects of this Act, and
  - (c) if applicable, the professional regulator referred to in the regulation must, on the date specified in the regulation, cease to hold responsibility for carrying out the objects of this Act.

**Continuation of professional regulator as  
regulatory body under this Act**

- 90.2** If a regulation under section 89 (1) [*designation of profession*] specifies that this section applies in respect of a designated profession, the specified professional regulator, effective on the date specified in the regulation, is
- (a) continued as a regulatory body under this Act, and
  - (b) responsible for carrying out the objects of this Act in respect of the designated profession.

**Regulations respecting establishment or continuation**

**90.3** (1) In this section:

“**affected professional regulator**”, in relation to a designated profession, means the professional regulator under section 89 (1.1) (b) (i) [*designation of profession*];

“**pre-existing Act**” means the Act, if any, under which an affected professional regulator is responsible for the governance of a profession.

(2) The Lieutenant Governor in Council may make regulations in respect of any matters necessary for the following:

(a) facilitating the establishment of a regulatory body under section 90.1 [*new regulatory body established under this Act*];

(b) facilitating the continuation of an affected professional regulator as a regulatory body under section 90.2;

(c) facilitating the transition from the operation of a pre-existing Act to the operation of this Act;

(d) facilitating the cessation, by an affected professional regulator, of responsibility for the governance of the profession;

(e) meeting or removing any difficulties encountered in respect of paragraphs (a), (b), (c) and (d), and for that purpose disapplying or varying any provision of

(i) this Act, or

(ii) a pre-existing Act.

(3) The authority to make or amend a regulation under subsection (2), but not the authority to repeal a regulation made under that subsection, ends 3 years after the applicable date under section 89 (1.1) (a) (ii) or (b) (ii).

(4) If a regulation is made under section 89 (1) in respect of the designation of a profession, the Lieutenant Governor in Council may, by regulation, repeal the pre-existing Act or provisions of the pre-existing Act.

**13** *The following Division is added:*

**Division 2.2 – Existing Regulatory Bodies to  
Be Responsible for Designated Professions**

**Existing regulatory body to be responsible  
for designated profession**

**90.4** (1) In this section:

“**affected professional regulator**”, in respect of a designated profession, means a professional regulator under section 89 (1.1) (c) (iii) [*designation of profession*];

**“pre-existing Act”** means the Act, if any, under which an affected professional regulator is governed.

- (2) If a regulation under section 89 (1) specifies that an existing regulatory body is, under this section, to be responsible for carrying out the objects of this Act in respect of a designated profession,
  - (a) the regulatory body must, on the date specified in the regulation, assume responsibility for carrying out the objects of this Act, and
  - (b) if applicable, the affected professional regulator must, on the date specified in the regulation, cease to hold responsibility for carrying out the objects of this Act.
- (3) The Lieutenant Governor in Council may make regulations necessary for the following:
  - (a) facilitating the assumption, by a regulatory body, of responsibility for carrying out the objects of this Act;
  - (b) facilitating the cessation, by an affected professional regulator, of responsibility for the governance of a designated profession;
  - (c) facilitating the transition from the operation of a pre-existing Act to the operation of this Act;
  - (d) meeting or removing any difficulties encountered in respect of paragraphs (a), (b) and (c), and for that purpose disapplying or varying any provision of
    - (i) this Act, or
    - (ii) a pre-existing Act.
- (4) The authority to make or amend a regulation under subsection (3), but not the authority to repeal a regulation made under that subsection, ends 3 years after the applicable date under section 89 (1.1) (c) (ii).
- (5) If a regulation is made under section 89 (1) in respect of the designation of a profession, the Lieutenant Governor in Council may, by regulation, repeal the pre-existing Act or provisions of the pre-existing Act.

**14 Section 118 (2) (g) is amended by renumbering subparagraph (i) as subparagraph (i.1) and by adding the following subparagraph:**

- (i) providing that specified provisions of the *Business Corporations Act* apply to a regulatory body for the purposes of section 21.1 (3) [*corporate powers of regulatory bodies*] of this Act; .



**15 Section 118 (2) (k) (i) is amended**

**(a) by repealing clauses (B), (D), (G) and (I),**

**(b) by adding the following clauses:**

(B.1) prescribing criteria for the purposes of section 87 (2) (a) (vi) [assessment and recommendation respecting designation of profession],

(D.1) designating professions for the purposes of section 89 (1) [designation of profession],

(D.2) prescribing matters for the purposes of section 89 (2),

(G.1) prescribing matters for the purposes of section 90.3 (2) [regulations respecting establishment or continuation],

(J) prescribing matters for the purposes of section 90.4 (3); , **and**

**(c) in clause (H) by striking out “section 90 (5) (a)” and substituting “sections 90.3 (4) and 90.4 (5) [existing regulatory body to be responsible for designated profession]”.**

**PART 3 – PUBLIC SAFETY AND  
SOLICITOR GENERAL AMENDMENTS**

***Insurance Corporation Act***

**16 Section 1 of the Insurance Corporation Act, R.S.B.C. 1996, c. 228, is amended**

**(a) by adding the following definition:**

**“chief executive officer”** means the chief executive officer of the corporation; ,  
**and**

**(b) by repealing the definitions of “general manager” and “president”.**

**17 Section 3 (4) is amended by striking out “the general manager” and substituting “the chief executive officer”.**

**18 Section 4 is amended**

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

(1) The directors must appoint a chief executive officer of the corporation and determine the remuneration of the chief executive officer. ,

**(b) in subsection (2) by striking out “the president and general manager” and substituting “the chief executive officer”, and**

*(c) in subsection (3) by striking out everything before paragraph (a) and substituting “The directors or, if authorized by the directors, the chief executive officer may do the following:”.*

**19** *Section 6 is repealed.*

**20** *Section 11 is amended*

*(a) in subsection (1) by striking out “A director or the general manager” and substituting “A director or the chief executive officer” and by striking out “the director’s or general manager’s signature” and substituting “the signature of the director or chief executive officer”,*

*(b) in subsection (2) by striking out “a director, general manager, officer or an authorized person” and substituting “a director, officer or authorized person”, and*

*(c) in subsection (3) by striking out “or the general manager” and substituting “or the chief executive officer”.*

### **Consequential Amendment**

#### *Insurance (Vehicle) Act*

**21** *Section 36 (4) of the Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231, is amended by striking out “general manager” and substituting “chief executive officer”.*

### **PART 4 – WATER, LAND AND RESOURCE STEWARDSHIP AMENDMENTS**

#### *Drainage, Ditch and Dike Act*

**22** *Section 58 of the Drainage, Ditch and Dike Act, R.S.B.C. 1996, c. 102, is amended by adding the following definitions:*

*“electronic meeting” means a fully electronic meeting or a partially electronic meeting;*

*“fully electronic meeting” means a meeting in which persons are entitled to participate solely by telephone or other communications medium, as set out in the notice of the meeting, if all persons attending the meeting are able to participate in it, whether by telephone or other communications medium;*

**“partially electronic meeting”** means a meeting in which persons are entitled to participate in person or by telephone or other communications medium, as set out in the notice of the meeting, if all persons attending the meeting are able to participate in it, whether by telephone, by other communications medium or in person; .

**23** *The following sections are added:*

**Electronic attendance at meetings**

- 58.1** (1) A person who is entitled to attend a meeting called under this Part may participate in and, if applicable, vote at the meeting by telephone or other communications medium if all persons attending the meeting are able to participate in it, whether by telephone, by other communications medium or in person.
- (2) If the inspector, land settlement board or commissioners call an electronic meeting under this Part, the inspector, board or commissioners, as applicable, must permit and facilitate participation in the meeting by telephone or other communications medium.
- (3) If the inspector, land settlement board or commissioners call a meeting under this Part that is not an electronic meeting, the inspector, board or commissioners, as applicable, are not required to take any action or provide any facility to permit or facilitate the use of any communications medium at the meeting.
- (4) A person who participates in a meeting in a manner contemplated by subsection (1) is deemed, for the purposes of this Part, to be present in person.

**Location of meetings**

- 58.2** If a meeting under this Part is held at a place, the place may be located in or outside the district.

**24** *Section 64 is amended*

*(a) by repealing subsection (2), and*

*(b) in subsection (3) by striking out “section 76 (1) and (2)” and substituting “section 76 (1)”.*

**25** *Section 76 is amended*

*(a) in subsection (1) by striking out “the commissioners must, by a notice mailed or delivered to each owner, and posted up in at least 3 conspicuous places in the district, call a meeting” and substituting “the commissioners must, by giving notice in accordance with section 76.1, call a meeting”, and*

*(b) by repealing subsection (2).*

**26** *The following section is added:*

**Notice of meeting respecting works and remuneration**

- 76.1** (1) Notice of a meeting called under section 76 must include
- (a) the date, time and, if applicable, place of the meeting,
  - (b) a description of the purpose of the meeting, and
  - (c) if the meeting is an electronic meeting, instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.
- (2) The notice must be given not less than 10 days before the date of the meeting
- (a) by delivering it to each owner, and
  - (b) by posting it in at least 3 conspicuous public places in the district.

**27** *Section 77 is amended*

*(a) in subsection (2) by striking out* “the commissioners must, by a written notice mailed or delivered to each owner and posted in at least 3 conspicuous places in the district, call a general meeting of the owners, to be held in the month of January next following at a place, in or outside of the district, and at a time” *and substituting* “the commissioners must, by giving notice in accordance with section 77.1, call a general meeting of the owners, to be held in the following January at a time”,

*(b) by repealing subsection (3), and*

*(c) in subsection (4) by striking out* “A general meeting must be held in each year after that, after giving a similar notice and” *and substituting* “In each subsequent year, the commissioners must, by giving notice in accordance with section 77.1, call a general meeting”.

**28** *The following section is added:*

**Notice of general meeting**

- 77.1** (1) Notice of a meeting called under section 77 must include
- (a) the date, time and, if applicable, place of the meeting,
  - (b) a description of the purpose of the meeting, and
  - (c) if the meeting is an electronic meeting, instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.

- (2) The notice must be given not less than 15 days before the date of the meeting
  - (a) by delivering it to each owner, and
  - (b) by posting it in at least 3 conspicuous public places in the district.

**29** *Section 114 (1) is amended by striking out* “must call a meeting of all the owners within the level contained and enclosed by the outer dikes, and give 6 days’ notice of the time and place of the meeting to each owner or the owner’s known agent” *and substituting* “must, by giving notice in accordance with section 114.1, call a meeting of all the owners within the level contained and enclosed by the outer dikes”.

**30** *The following section is added:*

**Notice of meeting respecting inner and outer dikes**

- 114.1** (1) Notice of a meeting called under section 114 must include
- (a) the date, time and, if applicable, place of the meeting,
  - (b) a description of the purpose of the meeting, and
  - (c) if the meeting is an electronic meeting, instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.
- (2) The notice must be given to each owner or agent of the owner not less than 6 days before the date of the meeting.

**31** *Section 162 is amended*

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

- (1) This section applies only to a district constituted before April 1, 1919.
- (1.1) Each year, the commissioners of a district must, by giving notice in accordance with section 162.1, call a general meeting of the ratepayers of the district, to be held on a date not earlier than January 15 and not later than January 31 of that year.
- (1.2) The commissioners must submit to the meeting
  - (a) a report on the condition of the works under their charge, and
  - (b) a statement of the financial condition of the district.
- (1.3) At the meeting, the commissioners may discuss with the ratepayers matters relating to the condition and maintenance of the works under their charge. ,  
*and*

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

- (3) If notice of a resolution is given under subsection (2), the notice referred to in subsection (1.1) must include a statement that the resolution will be submitted to the meeting.

**32** *The following section is added:*

**Notice of annual meeting of ratepayers**

- 162.1** (1) Notice of a meeting called under section 162 must include
- (a) the date, time and, if applicable, place of the meeting,
  - (b) a description of the purpose of the meeting, and
  - (c) if the meeting is an electronic meeting, instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.
- (2) The notice must be given not less than 10 days before the date of the meeting
- (a) by posting it in a conspicuous place at each post office in the district, or
  - (b) if there is no post office in the district, by posting it in at least 3 conspicuous public places in the district.

**33** *Section 165 (2) is amended by striking out “the inspector or board must by written notice, mailed or delivered to each owner and posted in at least 3 conspicuous public places in the district, call a general meeting of the owners, to be held in or out of the district at a time in each year as the inspector or board thinks expedient, for the purpose of receiving” and substituting “the inspector or board must, by giving notice in accordance with section 165.1, call a general meeting of the owners for the purpose of receiving”.*

**34** *The following section is added:*

**Inspector’s or board’s notice of general meeting of owners**

- 165.1** (1) Notice of a meeting called under section 165 must include
- (a) the date, time and, if applicable, place of the meeting,
  - (b) a description of the purpose of the meeting, and
  - (c) if the meeting is an electronic meeting, instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.
- (2) The notice must be given not less than 10 days before the date of the meeting
- (a) by delivering it to each owner, and
  - (b) by posting it in at least 3 conspicuous public places in the district.

**35** *Forms J and K of the Schedule are repealed.*

*Water Users' Communities Act*

- 36 *Section 53 (1) of the Water Users' Communities Act, R.S.B.C. 1996, c. 483, is amended by striking out "at general meetings" and substituting "at meetings".*
- 37 *Section 54 (2) is amended by striking out "at a general meeting" and substituting "at a meeting of the water users' community".*
- 38 *Section 60 is repealed and the following substituted:*

**Meeting of members**

- 60 (1) In this section and section 60.1:
- "electronic meeting"** means a fully electronic meeting or a partially electronic meeting;
- "fully electronic meeting"** means a meeting in which persons are entitled to participate solely by telephone or other communications medium, as set out in the notice of the meeting, if all persons attending the meeting are able to participate in it, whether by telephone or other communications medium;
- "partially electronic meeting"** means a meeting in which persons are entitled to participate in person or by telephone or other communications medium, as set out in the notice of the meeting, if all persons attending the meeting are able to participate in it, whether by telephone, by other communications medium or in person.
- (2) Any 3 members of a water users' community may at any time call a meeting of the water users' community.
- (3) If members call an electronic meeting, they must permit and facilitate participation in the meeting by telephone or other communications medium.
- (4) If members call a meeting that is not an electronic meeting, they are not required to take any action or provide any facility to permit or facilitate the use of any communications medium at the meeting.
- (5) A member may participate in, and vote at, a meeting by telephone or other communications medium if all members attending the meeting are able to participate in it, whether by telephone, by other communications medium or in person.

**Notice of meeting**

- 60.1 (1) Members who call a meeting of a water users' community must give 2 weeks' notice of the meeting to all members who reside on land to which water is conveyed by means of the works controlled by the water users' community.

- (2) Notice of an electronic meeting must contain instructions for attending and participating in the meeting by telephone or other communications medium, including instructions for voting at the meeting.

### Transitional Provisions

#### Definition

- 39** In sections 40 and 41, “**effective date**” means the date this section comes into force.

#### **Drainage, Ditch and Dike Act transition – notice of meeting**

- 40** The following provisions of the *Drainage, Ditch and Dike Act*, as they read immediately before the effective date, and Forms J and K set out in the Schedule to that Act, as they read immediately before the effective date, continue to apply in respect of notice of a meeting called under that Act before the effective date:
- (a) section 76 (1) and (2);
  - (b) section 77 (2), (3) and (4);
  - (c) section 114 (1);
  - (d) section 162 (1) and (3);
  - (e) section 165 (2).

#### **Water Users’ Communities Act transition – notice of meeting**

- 41** Section 60 of the *Water Users’ Communities Act*, as it read immediately before the effective date, continues to apply in respect of notice of a meeting called under that Act before the effective date.

#### Commencement

- 42** 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 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 and 2	By regulation of the Lieutenant Governor in Council