

**MINISTRY OF ATTORNEY GENERAL
COURT SERVICES BRANCH
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for Richard Fyfe, QC
Deputy Attorney General of British Columbia

ISSUE:
Collection and enforcement of unpaid federal contravention fines.

SUMMARY:

- Canada and British Columbia signed the *Contraventions Act* Administration and Enforcement Agreement (“Agreement”) in 2004 to administer the Federal Contraventions Program.

- s.16; s.17
- s.16; s.17
- s.17
- s.16
- s.14; s.16; s.17

BACKGROUND:

- The Federal Contraventions Program allows Canada to designate federal statutory offences as contraventions, so that they can be prosecuted using a ticketing system, instead of the summary conviction process included in the *Criminal Code*.
- There are more than 1,300 regulatory provisions, involving 21 different federal laws and 54 sets of regulations covered under the ticketing system.

- s.16; s.17
- s.16; s.17

s.16; s.17

- Undisputed federal contravention tickets and payments are processed through Insurance Corporation of British Columbia's (ICBC) contraventions system.
- s.13
- Disputed tickets are heard in the Provincial Court. If there is a dispute, Canada is represented by the Public Prosecution Service of Canada in court.
- The high volume and value of *Quarantine Act* federal contravention fines have resulted in media and public inquiries at the federal government level. s.16
s.16
- s.13; s.14; s.16
- s.13; s.14
- Other provinces that participate in the federal contraventions program to proactively collect unpaid federal contravention fines (Ontario, Manitoba and Quebec).
- s.13; s.16; s.17

DISCUSSION:

- s.13; s.16; s.17

¹ Up to Aug 14th, 2021

² Up to Aug 14th, 2021

- s.3

- Federal contravention tickets has and will continue to generate public and media attention given high amounts associated with *Quarantine Act* tickets (\$3000+).

INDIGENOUS PEOPLES CONSIDERATIONS:

- This matter does not have implications for Indigenous Peoples of British Columbia.

OTHER MINISTRIES IMPACTED:

- Corporate Management Services Branch (Office of the Chief Financial Officer) consultation required.
- ICBC consultation required.

Prepared by:

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Approved by:

Jenny Manton
Assistant Deputy Minister
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**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
DECISION BRIEFING NOTE**

Legal Advice to Attorney General

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PURPOSE: For DECISION of David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE:

Exempting Consumer Protection BC (CPBC), the Vehicle Sales Authority (VSA), and Technical Safety BC from the requirements of the *Lobbyists Transparency Act* (LTA) to register as lobbyists and report lobbying activities.

DECISION REQUIRED/ RECOMMENDATION:

Option 1: By regulation, prescribe CPBC, the VSA, and Technical Safety BC under s. 2 (1.1) of the LTA to exempt them from the requirement to register as lobbyists and report lobbying activities.

SUMMARY:

- The majority of communication between CPBC, the VSA, Technical Safety BC and government could fall under the definition of lobbying. However, these organizations act similarly to agents of government and therefore it is recommended that these organizations be exempted under s. 2 (1.1) of the LTA so that they are not required to register as lobbyists or report lobbying activity.
- CPBC, the VSA, and Technical Safety BC do not currently fall under any of the existing exemptions under the LTA and therefore must register with the Office of the Registrar of Lobbyists and submit monthly reports regarding their communication with government.

- CPBC, the VSA, and Technical Safety BC have all been in contact with government to discuss a possible exemption from the requirement to register and report lobbying activity.

BACKGROUND:

- The LTA applies to lobbying communications with public office holders at the provincial government level.
- If an organization is trying to influence government decisions about legislation, regulations, a program, policy, directive, or guideline, the award of a contract, grant, or financial benefit, or another matter set out in the definition of “lobby” in the LTA, they are likely lobbying and need to register.
- There are various exemptions from the LTA including:
 - i. Oral or written submissions in proceedings that are a matter of public record to a committee of the Legislative Assembly or other body with statutory powers, or in direct response to a written request from a public office holder for advice or comment on any matter referred to in the definition of “lobby” in the LTA are not classified as lobbying.
 - ii. If an organization is a “provincial entity” listed in the Appendix of the Lobbyists Transparency Regulation, they are not considered lobbyists. However, people who lobby “provincial entities” must register as lobbyists and report their lobbying activities.
 - iii. The LTA also provides for an exemption under s. 2 (1.1) for “persons in a prescribed class of persons who engage in a prescribed activity in prescribed circumstances.”

- s.13

s.13

s.13; s.14

s.13; s.14

- With respect to the second exemption, CPBC, the VSA, and Technical Safety BC are not included in the Appendix of the Lobbyists Transparency Regulation and therefore have to register with the Office of the Registrar of Lobbyists and submit monthly reports.
- The current Regulation prescribes “provincial entities” as the entities in the Government Reporting Entity (GRE) (other than government agencies) as set out in the *Budget Transparency and Accountability Act*, as well as the Workers’ Compensation Board.

- The Appendix of the Lobbyists Transparency Regulation lists organizations captured in the GRE, including Crown corporations, agencies and other organizations (health authorities, universities, and colleges etc.), as well as the Workers' Compensation Board who are exempt from having to register as lobbyists.

- s.13

- s.13

- s.13; s.14

- Section 2 (1.1) of the LTA allows for exemptions as follows:

(1.1) This Act does not apply to persons in a prescribed class of persons who engage in a prescribed activity in prescribed circumstances.

- It is recommended that a regulation be made under s. 2 (1.1) to capture CPBC, the VSA, and Technical Safety BC to exempt them from the requirements of the LTA as organizations who have entered into an administrative agreement contemplated by statute with government to carry out statutory duties under an Act.
- A possible gap in transparency identified by the Office of the Registrar of Lobbyists is that those who lobby CPBC, the VSA, and Technical Safety BC would not be required to register as lobbyists. The organizations have indicated that they are not lobbied often and when they are, they direct the individuals and organizations to contact government directly.

DISCUSSION:

- While CPBC, the VSA, and Technical Safety BC fall outside the GRE, they serve a similar role to other regulatory bodies which are exempt under the LTA, such as the BC Securities Commission and the BC Financial Services Authority.
- CPBC, the VSA, and Technical Safety BC provide information and recommendations to government as they are required to do by agreements with government to administer legislation on behalf of the Province,^{s.13}

s.13

- s.13

s.13

Consumer Protection BC

- CPBC is a non-profit organization established by statute, with a mandate to deliver consumer protection services throughout British Columbia, to promote fairness and understanding in the marketplace and to administer any Act in the public interest, the administration of which is delegated to the authority.
- CPBC has been delegated authority by the Minister to administer the *Business Practices and Consumer Protection Act*, the *Motion Picture Act*, the *Cremation, Interment and Funeral Services Act*, and the *Ticket Sales Act*.
- CPBC acts as a regulator for various industries (e.g., payday lenders, funeral homes, travel agents, home inspectors, movie theatres). CPBC provides education, issues licences, conducts inspections, investigates complaints, and enforces compliance (including issuing administrative penalties).
- CPBC has entered into an administrative agreement with the Province as required by statute that sets out its responsibilities in administering these Acts and has a statutory requirement to comply with the agreement.
 - The agreement requires CPBC to “recommend to the Minister legislative or regulatory change regarding the Legislation, as it (the authority) deems appropriate”.
 - The agreement establishes a “Policy and Legislation Protocol” which sets expectations for the Ministry and CPBC. The protocol for changes to legislation recommended by the Authority designates CPBC’s role as undertaking analysis, consultation and document preparation and providing a written request to the Minister with sufficient time to meet government timelines.
- Most communication with CPBC relates to proposed legislative or regulatory changes made in response to a request by government staff, although some are responses to verbal requests, and others are proactive.

Vehicle Sales Authority

- VSA is a society that was established to administer the *Motor Dealer Act*, and to maintain and enhance consumer protection and consumer confidence within the motor dealer industry. The VSA has been delegated by the LGIC to administer the *Motor Dealer Act*.

- The VSA acts as a regulator for the motor dealer industry: providing education, issuing licences, conducting inspections, investigating complaints and enforcing compliance (including issuing administrative penalties).
- The VSA has entered into an administrative agreement with the Province required by statute that sets out its responsibilities to administer the Act. The agreement requires the VSA to “recommend to the Minister legislative or regulatory change regarding the Legislation, as it (the authority) deems appropriate”.

Technical Safety BC

- Technical Safety BC is an organization that oversees the safe installation and operation of technical systems and equipment across the Province. In addition to issuing permits, licences and certificates, they work with industry to reduce safety risks through assessment, education and outreach, enforcement, and research.
- Technical Safety BC has entered into two administrative agreements with the Province required by statute that set out its responsibilities to administer the *Safety Standards Act* and the *Railway Safety Act*. The agreements require Technical Safety BC to provide recommendations to the Province for safety-related legislative, regulatory and policy initiatives and amendments.

INDIGENOUS PEOPLES CONSIDERATIONS:

- No implications identified.

OPTIONS:

- **Option 1 (Recommended):** Prescribe CPBC, the VSA, and Technical Safety BC under s. 2 (1.1) of the LTA to exempt them from the requirement to register as lobbyists and report lobbying activities.

s.13

• s.13

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OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Public Safety and Solicitor General
- Office of the Registrar of Lobbyists
- Legal Services Branch

DATE:

Richard J. M. Fyfe, QC
Deputy Attorney General and
Deputy Minister Responsible for Housing

RECOMMENDED OPTION APPROVED

David Eby, QC
Attorney General and
Minister Responsible for Housing

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Attachment(s)

None

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**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for Richard Fyfe, QC
Deputy Attorney General and Deputy Attorney Responsible for Housing

ISSUE:

Law Society of BC (LSBC), Access to Justice Advisory Committee Report (the Report)

SUMMARY:

- LSBC's Access to Justice Advisory Committee (the Committee) has issued a report containing 12 recommendations related to advocating for greater access to non-adversarial dispute resolution in family matters.
- A review of the Report is on the agenda for the September 24 Benchers meeting with decisions on the recommendations expected during their October meeting.
- The Report was informed by discussions with, and information received from many stakeholders including A2JBC and JSB officials.
- Ministry officials are supportive of the Report's conclusions and recommendations which focus on LSBC's ability to influence behaviour through communication and education activities.

BACKGROUND:

- The Committee's Report is titled, *Increasing Access to Non-Adversarial Resolution of Family Law Matters* and is attached.
- The Report was prepared in response to a request from the President of the LSBC for recommendations about how LSBC could advocate for greater access to non-adversarial dispute resolution in family law matters.
- The Committee held meetings on the topic between January and July of this year that included discussions with, and a review of material provided by representatives from A2JBC, the CBABC, and the Ministry.
- The Report accepts that adversarial dispute resolution processes may not create lasting resolutions in family law matters and laments that despite this fact the vast majority of funding in the area goes to support these adversarial processes.
- The Report also highlights A2JBC's work which draws a direct line between Adverse Childhood Experiences (ACEs) and the lasting negative effects of adversarial dispute resolution processes.
- The Report makes 12 recommendations for the consideration of Benchers at their September 24, 2021 meeting. Those recommendations can be found on pages 4 and 5 and then again on pages 15 and 16 of the Report.

DISCUSSION:

- The conclusions drawn by the Report that are related to the negative impact of adversarial dispute resolutions processes in family law matters are supported by the ministry and have been key drivers of ministry family justice reform for many years.
- As examples, the objective of creating ways for families to resolve matters in a collaborative manner is: a primary basis of the programs and services offered by Family Justice Services Division, one of the objectives underlying the reforms brought by in the *Family Law Act* and a foundational principal of the new *Provincial Court Family Rules*.
- The ministry is encouraged by the Report's recognition that discussions about the development of a Unified Family Court are still discussions about an adversarial process and as such would be only an incremental improvement on the current situation.
- On page 9, the Report also makes the following important observations which are seemingly aimed at potential criticism about LSBC advocating for a move away from the adversarial system since it is a regulator and support of the legal profession:
 - The public interest is served by LSBC supporting non-adversarial systems because adversarial dispute resolution in family matters often prolongs conflict and causes ongoing harm to those involved.
 - Although the benefits of a move away from an adversarial system in family law matters is difficult to quantify and may involve short-term costs, there are long-term benefits to be achieved through reducing repeated and chronic use of the system and "an even greater societal saving/benefit" that can be realized through a reduction in mental health issues experienced by those involved in resolving family disputes in an adversarial system.
 - LSBC relations with the public generally and lawyer in particular should not be harmed by it advocating for non-adversarial family law dispute resolution because most family law lawyers are already aware of the benefits to non-adversarial dispute resolution.
- Most of the recommendations focus on LSBC using its influence and communication tools to attempt to educate the public, lawyers and other stakeholders about the detrimental effects of the adversarial system in family matters including ACEs, and the corresponding benefits to be derived from the use of non-adversarial processes.
- There are a few recommendations that offer more concrete action including LSBC:
 - joining the TFJS Collaborative (Recommendation 1);
 - generating and supporting content for the PLTC and continuing professional development about ACEs and non-adversarial family law dispute resolution (Recommendation 4); and

- examining the Lawyer Directory to determine ways to make information about lawyers who are accredited mediators, arbitrators and parenting co-ordinators more publicly accessible (Recommendation 5);
- Some recommendations refer to specific work with government including LSBC:
 - exploring the creation of high-school courses and content with the Ministries of Education and Health (Recommendation 9);
 - working with government, Legal Aid BC, the Association of Legal Aid Lawyers and the Law Foundation to support funding for non-adversarial options (Recommendation 10); and
 - exploring the possibility of tax credits or deductions for people who use non-adversarial options with the Provincial and Federal governments (Recommendation 12).

INDIGENOUS PEOPLES CONSIDERATIONS:

- The Report does not explicitly address engagement with Indigenous people although acknowledges that the recommendations offered may require “an equity, diversity and inclusion analysis before implementation”.
- In the Report the Committee notes that access to justice issues do not arise equally in society and that those who identify with various equity-seeking groups face barriers to access to services and justice that are more acute.
- Meaningful engagement with Indigenous people will be important to ensure that the non-adversarial processes advocated appropriately reflect Indigenous perspectives.

OTHER MINISTRIES IMPACTED/CONSULTED:

- None.

Prepared by:

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Attachment

LSBC Report – Increasing Access to Non-Adversarial Resolution of Family Law Matters.



Increasing Access to Non-Adversarial Resolution of Family Law Matters

Access to Justice Advisory Committee:

Lisa J. Hamilton, QC (Chair)

Paul Barnett

Jennifer Chow, QC

The Honourable Thomas Cromwell

Lisa H. Dumbrell

Mark K. Gervin

Jamie Maclaren, QC

Kevin B. Westell

September 23, 2021

Prepared for: The Benchers

Prepared by: Policy and Planning Department

Purpose: Discussion and Decision

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**MINISTRY OF ATTORNEY GENERAL
JUSTICE SERVICES BRANCH
DECISION BRIEFING NOTE**

PURPOSE: For DECISION of David Eby, QC
Attorney General and Minister Responsible for Housing

ISSUE:
Delegated authorities for the Maintenance, Enforcement and Locate Services programs in accordance with relevant legislation.

DECISION REQUIRED/ RECOMMENDATION:
Approval for the designation and appointments of Director of Maintenance Enforcement under the *Family Maintenance Enforcement Act*, designated authority for the purposes under the *Interjurisdictional Support Orders Act*, and Case Managers to act for the Attorney General to perform functions under the federal *Divorce Act*.

SUMMARY:

- Maintenance Enforcement and Locate Services within the Tribunals, Transformation, and Independent Offices Division, require designation and appointments by the Attorney General under the *Family Maintenance Enforcement Act*, *Interjurisdictional Support Orders Act*, and federal *Divorce Act*.
- The designation and appointments for the Director of Maintenance Enforcement, the designated authority, and six Program Positions authorizing them to exercise powers, duties and functions granted in their positions in accordance with relevant legislation.

BACKGROUND:

- Background is provided on each of the three Ministerial Orders required.

1. Director of Maintenance Enforcement Designation
 - Maintenance Enforcement and Locate Services (MELS) is part of the Tribunals, Transformation, and Independent Offices Division (TTIOD) under Executive Director Carmen Zabarauckas.
 - The Executive Director of TTIOD is also the Director of Maintenance Enforcement under the *Family Maintenance Enforcement Act*.
 - On September 20, 2021, Zachariah Kremler replaces Executive Director Carmen Zabarauckas as Acting Executive Director and requires a new designation as Director of Maintenance Enforcement.

- The current Director of Maintenance Enforcement's designation will be rescinded upon the designation of a new Director of Maintenance Enforcement.
2. Designated Authority Appointment under the *Interjurisdictional Support Orders Act*
- *The Interjurisdictional Support Orders Act* sets out processes to establish, change and enforce child and spousal support orders when parties do not live in the same province, territory, or country.
 - The new Acting Executive Director requires an appointment as the new designated authority for the purposes under the *Interjurisdictional Support Orders Act*.
3. Program positions requiring authorization to act for the Attorney General under the federal *Divorce Act*
- Case Managers transmit interjurisdictional child and/or spousal support court applications between British Columbia and other Canadian provinces and territories.
 - Six Program Positions require authorization to perform functions under sections 18 and 19 of the federal *Divorce Act* on behalf of the Attorney General as well as the new acting Executive Director, MELS.

DISCUSSION:

See attached proposed Ministerial Orders under the *Family Maintenance Enforcement Act* (Director of Maintenance Enforcement), *Interjurisdictional Support Orders Act* (designated authority), and *Divorce Act* (six Program Positions).

INDIGENOUS PEOPLES CONSIDERATIONS:

- No specific issues relevant to Indigenous People's considerations.

OPTIONS:

- **Option 1:** Support the request for designation and appointments - **RECOMMENDED**
 - Pros:
 - Maintenance Enforcement and Locate Services will have the appropriate designation and appointments allowing leadership and staff to exercise powers, duties and functions granted in their positions in accordance with relevant legislation.

- Cons:
 - Without the designation and appointments, Maintenance Enforcement and Locate Services leadership and staff would not be compliant with the relevant legislation that provides their authority to exercise powers, duties, and functions.
- **Option 2:** Do not support the request for designation and appointments.
 - Pros:
 - No applicable benefits to option 2.
 - Cons
 - Maintenance Enforcement and Locate Service cannot fulfil its mandate to assist children and families in support matters.

OTHER MINISTRIES IMPACTED/CONSULTED:

- No other ministries consulted.

DATE:

Richard J. M. Fyfe, QC
Deputy Attorney General

RECOMMENDED OPTION APPROVED
or **OPTION ____ APPROVED**

DATE:

David Eby, QC
Attorney General and
Minister Responsible for Housing

Prepared by:
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Approved by:
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Attachment(s)

Ministerial Order – Family Maintenance Enforcement Act Designation
Ministerial Order – Divorce Act Authorization

Ministerial Order – ISOA Appointment

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M379

ORDER OF THE ATTORNEY GENERAL AND
MINISTER RESPONSIBLE FOR HOUSING

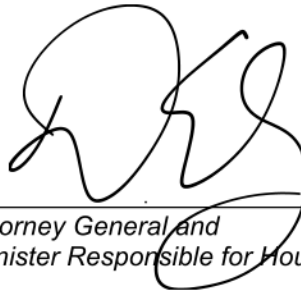
Family Maintenance Enforcement Act

I, David Eby, Q.C., Attorney General and Minister Responsible for Housing, order that:

- (a) The appointment of Carmen Zabarauckas, made by Ministerial Order No. 395, dated October 15, 2020 is rescinded, and
- (b) Zachariah Kremler is designated as the Director of Maintenance Enforcement for the purposes of the *Family Maintenance Enforcement Act*.

September 28, 2021

Date



Attorney General and
Minister Responsible for Housing

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

Authority under which Order is made:

Act and section: *Interpretation Act*, RSBC 1996, chapter 238, section 23(1)
Family Maintenance Enforcement Act, RSBC 1996, chapter 127, section 2(1)

Other: M395/2020

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M377

ORDER OF THE ATTORNEY GENERAL AND
MINISTER RESPONSIBLE FOR HOUSING

Divorce Act

I, David Eby, Q.C., Attorney General and Minister Responsible for Housing, order that:

- (a) Ministerial Order No. M038 dated January 26, 2021 is rescinded, and
- (b) the following persons are authorized to act for the Attorney General in the performance of a function under sections 18.1 to 19.1 of the *Divorce Act*, S.C. 2019, c. 16:

Christian Lett
Erin Kenny
Colin Buckton
Jasmine Tam
Sandra Wolfe
Zachariah Kremler

September 28, 2021

Date



Attorney General and
Minister Responsible for Housing

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

Authority under which Order is made:

Act and section: Interpretation Act, RSBC 1996, chapter 238, section 23(1)
Divorce Act, SC 2019, c. 16, sections 18 and 19

Other: M038/2021

PROVINCE OF BRITISH COLUMBIA

Ministerial Order No. M378

ORDER OF THE ATTORNEY GENERAL AND MINISTER RESPONSIBLE FOR HOUSING

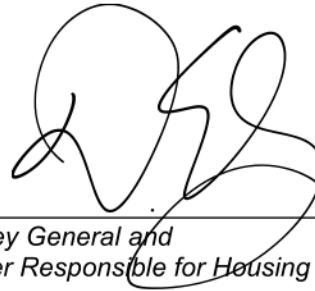
Interjurisdictional Support Orders Act

I, David Eby, Q.C., Attorney General and Minister Responsible for Housing, order that:

- (a) The appointment of Carmen Zabarauckas, made by Ministerial Order No. 393, dated October 15, 2020 is rescinded, and
- (b) Zachariah Kremler is appointed to act as the designated authority for the purposes of the *Interjurisdictional Support Orders Act*.

September 28, 2021

Date



*Attorney General and
Minister Responsible for Housing*

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

Authority under which Order is made:

Act and section: *Interpretation Act*, RSBC 1996, chapter 238, section 23(1)
Interjurisdictional Support Orders Act, SBC 2002, chapter 29, section 37(1)

Other: M393/2020

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**MINISTRY OF ATTORNEY GENERAL
BUILDING AND SAFETY STANDARDS BRANCH
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for David Eby, QC
Attorney General and
Minister Responsible for Housing

ISSUE:
BC Energy Step Code airtightness testing requirements

SUMMARY:

- The cost to verify compliance for townhouse developments via the BC Energy Step Code can be higher than multi-family housing due to individual unit energy modelling and airtightness testing when following one of three compliance paths.
- Builders have compliance options that can reduce these costs.
- Auditing of a sampling of attached townhouse units within a larger development can be raised by the Building and Safety Standards Branch within the national code development process.

BACKGROUND:

- Energy modelling and airtightness testing are required by the Province to demonstrate compliance with the BC Energy Step Code (Step Code).
- An energy model predicts the amount of energy a building will use, and an airtightness test identifies the amount of air leakage that occurs through the envelope.
- The Step Code requires a whole building energy model and airtightness test, even if the building contains multiple individual units.
- Except for Step 1, Part 9 residential buildings (3 storeys or less) must meet specific airtightness values.
- Some local governments encourage or require mid-construction airtightness testing in addition to the final airtightness test required by the Step Code.
- Other than professional services under the *Professional Governance Act*, energy modelling and airtightness testing services by technicians are currently unregulated.

DISCUSSION:

- The Energy Step Code provides three options for performing the required energy model and airtightness test: (1) Natural Resources Canada's EnerGuide Rating System (ERS), (2) energy modelling requirements in the *BC Building Code* that are similar to ERS with fewer administrative requirements, and (3) the *National Energy Code for Buildings* (NECB) which is designed for large and complex buildings.
- Only ERS requires airtightness testing for individual townhouse units.

- It is up to individual builders to understand the different compliance paths and select the path that aligns with the type of development.
- Some builders and local government representatives in northern communities have expressed concern about the cost and availability of energy modelling and airtightness testing services.
- The Province provides a list of available energy advisors and the regions they serve – currently listing over 100 **Error! Hyperlink reference not valid.** service providers and for example, listing 12 individuals for the Town of Port McNeill.
- Through Better Homes BC, rebates are available for energy modelling and airtightness testing services.
- BSSB is also working with utilities and the Community Energy Association to support capacity development in remote and northern communities, based on successful efforts in the Kootenays.
- The Province is working with national colleagues and stakeholders to establish new standards for the *National Building Code* which will form the basis of the proposed *BC Building Code* amendments for the CleanBC Plan in 2022; BC will raise airtightness testing in this context.

Natural Resources Canada's EnerGuide Rating System:

- Most Part 9 residential builders choose to use the ERS to demonstrate compliance.
- Through ERS, each unit must have its own individual energy model and airtightness test conducted when applied to townhouse developments. Builders must then use the individual unit results to generate a whole building value to demonstrate compliance with the *BC Building Code*.
- ERS has advantages over the other modelling and testing options:
 - Energy Advisors must be qualified and registered with Natural Resources Canada,
 - Quality assurance is provided through Natural Resources Canada's certification process, and
 - Home/unit receives an energy label indicating how well it performs.
- A cost analysis was conducted through the 2018 Metrics Research Report for the ERS path for various Part 9 archetypes within Climate Zone 4.
 - Costs associated with airtightness testing for a quadplex and 6-unit row house ranges from \$242 to \$315 per unit.
 - Costs associated with Energy Advisor services range from \$200 to \$1000 per unit.

Subsection 9.36.5 and NECB:

- Applicants have the option of following 9.36.5 or NECB, which do not require a unit by unit analysis, but follow a whole building analysis methodology.
- If applied to developments with multiple townhouse blocks, builders would only need one model and test per townhouse block.
- These less commonly used options help to streamline the energy modelling and airtightness testing processes, while potentially reducing associated costs that can affect affordability, although these options lack the marketing amenities, alignment with industry programs, and support services that are a core part of ERS.

Auditing/Sampling:

- To reduce cost for ground-oriented units (e.g. townhomes), audits or modelling/testing of a sampling of buildings within a development could be considered in the *BC Building Code*.
- This approach would preclude the use of ERS for the entire development and only units analyzed and deemed compliant would qualify for an EnerGuide label, which could negatively impact the use of BC's incentive programs for those units not tested.
- Further analysis would be necessary to determine industry and stakeholder impacts, and alignment with current incentives offered by utilities and the Ministry of Energy, Mines and Low Carbon Innovation.

INDIGENOUS PEOPLES CONSIDERATIONS:

- Not anticipated to affect Indigenous Peoples differently from non-Indigenous people.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

- Airtightness testing has been shown to be among the most cost-effective methods of improving energy efficiency and housing affordability by reducing ongoing energy use of tenants and owners.
- A streamlined process can reduce the cost of modelling and testing to builders, and the savings can then be passed to owners and tenants.

OTHER MINISTRIES IMPACTED/CONSULTED:

- No other ministries have been consulted in preparing this note.

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**MINISTRY OF ATTORNEY GENERAL
BUILDING AND SAFETY STANDARDS BRANCH
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for David Eby, QC
Attorney General and
Minister Responsible for Housing

ISSUE: Existing Buildings Renewal Strategy Fall 2021 Engagement

SUMMARY:

- The Building and Safety Standards Branch's (BSSB) Fall engagement supports the Existing Buildings Renewal Strategy (EBRS) and the CleanBC Roadmap 2030 (Roadmap) by exploring various approaches to increase the resiliency of existing buildings while balancing housing affordability concerns.
- A total of 13 engagement sessions are planned for Indigenous and non-Indigenous partners.
- BSSB's approach to Indigenous engagement emphasizes relationship building.

BACKGROUND:

- CleanBC (2018) was developed to achieve 75 per cent of the 2030 GHG emissions reduction target and included a specific 40 per cent reduction goal (by 2030) for buildings, aligned with legislation.
 - To help achieve the reduction goal, the plan included a commitment to establish an energy efficiency code for existing buildings by 2024.
- A gap of 28-44 per cent remains to achieving the overall target for all sectors. Recent modelling calls for a 59-64 per cent reduction in the buildings and communities' sector. No specific reduction target for buildings has been established.
- The Roadmap is intended to close the gap and achieve legislated targets.
- The Roadmap's Building Pathway provides direction on addressing carbon emissions and energy efficiency in existing buildings. BSSB will be implementing the Roadmap's direction to establish highest energy efficiency equipment standards and update the existing buildings energy efficiency code in 2027 through the EBRS.
- s.13

- The first phase of engagement was completed in Fall 2019 and focused on listening to external perspectives on renovation priorities, barriers, and success criteria.

DISCUSSION:

- Two consultants, Integral Group (non-Indigenous) and Pinna Sustainability Inc. (Indigenous), have been hired to lead the virtual engagement sessions.
- BSSB has planned for:
 - Eight non-Indigenous sessions and six Indigenous sessions
 - One-on-one meetings with key partners (e.g., LandlordBC, affordable housing providers), as appropriate

- Engagement via the Local Government Low-Carbon Retrofit Peer Network.

Non-Indigenous Engagement

- Phase One involved one-on-one meetings with individual organizations. Phase Two will bring together external partners from various sectors including:
 - Local governments
 - Building owners and managers
 - Renovation professionals, engineers, and architects
 - Utilities
 - Real estate and insurance
 - Non-governmental organizations
- The first engagement session on carbon emissions and energy efficiency occurred in August 2021 as part of the Roadmap process. Remaining engagement is planned for late September through early December 2021 (See Attachment 1 for schedule).
- The remaining energy efficiency and carbon emission sessions will discuss actioning highest efficiency heating equipment standards through *the BC Building Code* (Code) and *Energy Efficiency Act Standards Regulation*.
 - Participants will provide input on proposed bundles of modest energy efficiency measures to be implemented in 2024 and 2027.
 - One session will be dedicated to understanding specific supports that building owners, especially rental and non-profit housing providers, need to help achieve affordability.
- Sessions on climate adaptation will allow participants to discuss their experiences managing a specific climate hazard and explore example approaches.
 - Example approaches range from voluntary guidance for building owners, technical guidance to support local government action through development permit areas, and Code regulation.
- The final session will pull together input and consensuses on all topics to understand and discuss cumulative impacts.

Indigenous Engagement

- Separate sessions for Indigenous communities and organizations are necessary to:
 - Recognize the unique history of building construction
 - Recognize more limited engagement to date on the EBRS and the Code
 - Create a space for conversation that is culturally appropriate and respectful
- Invites will be distributed to Treaty Nations, First Nation communities, Indigenous housing organizations and building professionals, academia, and government representatives (See Attachment 3 for Indigenous partner list).
 - BSSB is seeking advice from the First Nations Leadership Council (FNLC) on the draft participant list.
- Engagement is anticipated to start mid-November and run into January 2022. Timing is dependent on FNLC advice and other Provincial Indigenous engagement.
- The main purposes of the Indigenous engagement sessions are to build relationships and facilitate knowledge sharing.

- To avoid a one-way information gathering process, BSSB does not plan to focus conversations on specific options within the EBRs. Instead BSSB wants to create space for conversations about:
 - Personal experiences about the impact climate events have had on homes, buildings, health, and safety in communities
 - Culturally important design features of buildings
 - Use of the Code and barriers to voluntary adoption or continued use
 - Sharing lessons and successes of renovation that enhanced energy efficiency or resiliency of buildings to climate events, or reduced carbon emissions.
 - Potential opportunities for BSSB to provide support
- BSSB seeks to be adaptable and open to the potential engagement outcomes. This may include adjusting the approach and timing of the EBRs release to avoid compromising relationship building efforts with Indigenous communities.
 - Technical analysis and development can continue if release of the strategy is delayed but external partners will have less time to prepare for the changes.

INDIGENOUS PEOPLES CONSIDERATIONS:

- EBRs will impact Indigenous communities differently based on the following groups:
 - Treaty Nations that have adopted the Code through negotiated agreements
 - Indigenous peoples living off-reserve where the Code is applicable and enforced by local governments
 - On-reserve communities that voluntarily adopt the Code

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

- Lower income and vulnerable populations are at greater risk to the impacts, including intersecting impacts and gentrification, of climate change.
- BSSB is working with our consultants to ensure that the participant list includes groups that advocate for equity-based actions.
- Time during the virtual sessions will be dedicated to discussing actionable approaches and steps to include in the EBRs.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Energy, Mines and Low Carbon Innovation
- Ministry of Municipal Affairs
- Ministry of Citizens' Services
- Ministry of Environment and Climate Change Strategy
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Prepared by:

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Zachary May
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Attachments (3):

1. Schedule for Non-Indigenous Consultation
2. Non-Indigenous Partners
3. Indigenous Partners

Attachment 1: Schedule for Non-Indigenous Consultation

Topic	Date
Buildings Pathway – Energy efficiency and carbon	August 4, 2021
Existing Buildings – Flood	September 28, 2021
Existing Buildings – Water conservation	October 6, 2021
Existing Buildings – Wildfire risk	October 19, 2021
Buildings Pathway – Energy efficiency and carbon, regulations	November 3, 2021*
Existing Buildings – Overheating and air quality	November 4, 2021
Buildings Pathway – Energy efficiency and carbon, supporting measures	November 16, 2021*
Existing Buildings – Integrating mitigation and adaptation	November 25, 2021

**In collaboration with the Ministry of Energy, Mines and Low-Carbon Innovation, following release of the Roadmap. Timing is flexible.*

Attachment 2: Non-Indigenous Partners

Sectors	Partners
Local Governments (sample – will vary based on topic)	<ul style="list-style-type: none"> • Metro Vancouver • Local Government Management Association • University of British Columbia • Local Government Retrofit Peer Network • Union of BC Municipalities • City of Victoria • City of Surrey • City of Prince George • Regional District of East Kootenay • District of Saanich • Capital Region District • District of Nanaimo • District of Squamish • District of Tofino • Regional District of Okanagan-Similkameen
Building Owners, Managers and Housing Providers	<ul style="list-style-type: none"> • Co-Operative Housing Federation of BC • BC Tenant and Resource Advisory Centre • LandlordBC • Aboriginal Housing Management Association (AHMA) • BC Housing • BC Non-Profit Housing Association • Condominium Homeowners Association • Building Owners and Managers Association • Urban Development Institute • Metro Vancouver Housing Services • Quadreal • Concert Properties • Vancouver Island Strata Owners Association • Professional Association of Managing Agents • Strata Property Agents of BC
Renovation Professionals, Engineers, Architects etc.	<ul style="list-style-type: none"> • Nickle Bros • Interior Designers Institute of BC • Planning Institute of BC • Engineers and Geoscientists of BC • RDH • Independent Contractors and Businesses Association • FenestrationBC / Fenestration Canada • Home Performance Stakeholder Council • Architectural Institute of BC • BC Construction Association • Vancouver Island Construction Association • Southern Interior Construction Association • Canadian Home Builders BC • Canadian Home Builders Vancouver Island • Canadian Home Builders Northern BC • FRESCo Building Efficiency

	<ul style="list-style-type: none"> • Technical SafetyBC • Building Officials Association of BC
Utilities	<ul style="list-style-type: none"> • FortisBC • BC Hydro
Real Estate and Insurance Sector	<ul style="list-style-type: none"> • Real Estate Council of BC • Financial Institutions Commission of BC • Insurance Council of BC • BC Real Estate Association • BC Financial Services Authority • Insurance Bureau of Canada • Cooperators • Aviva
Non-Governmental Organizations	<ul style="list-style-type: none"> • Canadian Green Building Council • Heritage BC • Pembina • EcoTrust • CityGreen Solutions • Federation of Canadian Municipalities • Canadian Urban Sustainability Practitioners – B.C. • Stewardship Centre of BC • Intact Centre • Institute for Catastrophic Loss Reduction • Fraser Basin Council
Federal Partners	<ul style="list-style-type: none"> • NRCan CANMET • NRCan OEE • NRC • Pacific Coast Collaborative

Attachment 3: Indigenous Partners*

Sectors	Partners
Treaty Nations	<ul style="list-style-type: none"> • Nisga'a • Tsawwassen • Maa-nulth • Tla'amin
First Nations & On-Reserve Communities (sample – to be finalized)	<ul style="list-style-type: none"> • Tsay Keh Dene Nation • T'sou-ke First Nation • Heiltsuk First Nation • Nuxalk Nation • Doig River First Nation • Lil'wat First Nation • Yale First Nation • Seabird Island First Nation • Westbank First Nation • Penticton Indian Band • Shuswap Indian Band • Taku River Tlingit First Nation • Skidegate Band Council • Musqueam Nation • Osoyoos Indian Band • Naut'sa mawt Tribal Council • Seabird Island Indian Band • Lower Similkameen Indian Band • Kitasoo Xai'xais Nation • Lower Nicola Indian Band • Squamish First Nation
Housing Organizations & Building Professionals	<ul style="list-style-type: none"> • Aboriginal Housing and Management Association • Nexii Building Solutions • M'akola Development Services • Gwaii Planning • Community Power • Iredale Architecture • TD Rockwell & Associates • First Nations Housing Infrastructure Council • First Nations Housing Professional Association • First Nations Health Authority • First Nations National Building Officers Association
Academia	<ul style="list-style-type: none"> • EcoTrust Canada • Laurentian University – School of Architecture
Government	<ul style="list-style-type: none"> • Canadian Housing and Mortgage Corporation • BC Housing

*pending advice from the First Nations Leadership Council.

**MINISTRY OF ATTORNEY GENERAL
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS
INFORMATION BRIEFING NOTE**

PURPOSE: For INFORMATION for David Eby, QC
Attorney General and
Minister Responsible for Housing

ISSUE:

Minister's approval of four policy recommendations is being requested ^{s.13}
s.13

SUMMARY:

- The Ministry has completed engagement and analysis of five topics with strata and insurance industry stakeholders.
- This briefing note provides background, an overview of the process and linkages between the topics. Decision notes have been drafted for four topics to present the case for each recommendation.

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BACKGROUND:

Beginning in 2019, strata insurance costs in British Columbia and other provinces increased significantly and availability decreased. It now appears that the strata insurance market may be stabilizing. There is more availability and reduced insurance costs for some strata corporations and modest annual increases in 2021 for other strata corporations after sharp increases in 2020 and 2019.

The Office of Housing and Construction Standards, the Ministry of Finance and the BC Financial Services Authority (BCFSA) have been working together on this issue.

In August 2020, the Province passed legislation amending the *Strata Property Act* and the *Financial Institutions Act* with some provisions to take effect immediately, or at set dates, and other provisions to take effect after further consultation with the strata community and the insurance industry.

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Actions taken to date are listed below. As well the Housing Policy Branch has had regular stakeholder meetings to monitor the strata insurance situation and careful consultation on proposed regulatory changes to clarify issues and achieve desired outcomes.

Changes effective August 14, 2020:

- Strata corporations must inform owners as soon as feasible of any material change in the strata corporation's insurance coverage, including increasing deductibles; and
- Strata corporations can use their operating fund or contingency reserve fund to pay for property and liability insurance required under the Strata Property Act or the strata corporation's bylaws without a vote of owners, if there are reasonable grounds to believe that an immediate expenditure is necessary to obtain the required insurance.

Changes effective September 13, 2020

- Referral fees to strata property managers from strata insurance transactions are prohibited.

Changes effective November 30, 2020

- Amendments require insurers or insurance agents to provide 30-day advance notice directly to strata corporations of their intention to not renew an insurance policy or of any material changes to the policy. This change ensures strata corporations have advance warning of cost increases and have time to seek other insurance options if desired.
- Insurance agents are required to disclose their commission amount, or a reasonable estimate, to strata corporations. Insurers who fail to meet these disclosure requirements face penalties of up to \$25,000 for an individual or \$50,000 for a corporation.

Changes effective January 2021

- The strata insurance industry in British Columbia agreed to end "best-terms-pricing," which increased the cost of strata insurance.

Recommended decisions ^{s.13}

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Recommended changes s.13
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INDIGENOUS PEOPLES CONSIDERATIONS:

A representative from the Musqueam Development Corporation was invited to all five consultation sessions to share the perspective of a First Nation developing and managing stratas. They participated in several sessions and expressed no concerns. The regulations will apply equally to all strata corporations and owner developers. Strata legislation generally does not apply to First Nations on-reserve land.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

Affordability has been carefully considered, as strata owners, on average, have lower household incomes than single-family homeowners. Many strata owners are seniors on fixed incomes, first time home buyers or immigrants.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ongoing consultation with the Ministry of Finance.

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Approved by:

Cheryl May
Assistant Deputy Minister
Office of Housing and Construction
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**MINISTRY OF ATTORNEY GENERAL
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS
DECISION BRIEFING NOTE**

PURPOSE: For DECISION of David Eby, QC
Attorney General and
Minister Responsible for Housing

ISSUE: Strata insurance – approval sought for policy on loss assessment cap

RECOMMENDATION:

- s.13

SUMMARY:

- The *Strata Property Act* (SPA) permits strata corporations to charge or sue an owner to recover the deductible portion of a strata corporation's insurance claim if the owner is responsible for the loss or damage that gave rise to the claim.
- In 2020, some insurance industry representatives recommended that the Province amend the SPA to create a loss assessment cap to protect individual owners from financial hardship in the face of rising strata insurance deductibles.
 - A loss assessment cap would limit the amount that the strata corporation can recover from an owner to a certain monetary amount (e.g., \$50,000).
 - Any portion of a deductible beyond that amount would need to be paid by all owners in the strata corporation via strata fees or special levies.

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BACKGROUND:

Strata Insurance Deductibles

Section 158(2) of the SPA permits the strata corporation to sue an owner to recover the deductible portion of an insurance claim if the owner is "responsible" for the loss or damage that gave rise to the claim, e.g., if a water leak in an owner's unit causes damage to common property. Courts interpret "responsible" to mean strict liability, sometimes called absolute liability, which means that a party is legally responsible for damages even if they were not at fault or negligent. In addition to the explicit ability to sue an owner, this section has been interpreted to allow the strata corporation to charge

back the amount for an insurance deductible directly to an owner if permitted to do so in the strata bylaws.

Section 158(2) is intended to ensure that all strata owners are not paying the deductible costs for a loss resulting from an act or omission by a single owner.

DISCUSSION:

Rationale for the Loss Assessment Cap

The Insurance Brokers Association of British Columbia (IBABC) recommended that the Province introduce a \$50,000 loss assessment cap to ensure that individual strata owner insurance is affordable, and that high-impact damage caused by individual owners does not result in significant financial hardship. Other insurance sector partners are also supportive of this change.

Stakeholders report that strata owners are generally able to obtain deductible insurance for amounts of up to \$50,000-75,000 as part of their strata owner's insurance policy. Insured owners found responsible for a claim are exposed to losses between that amount and the strata corporation's deductible, if higher. Uninsured owners could be responsible for the whole amount.

The BCFSA Report on Strata Insurance indicates that strata corporation deductibles have risen significantly over the past few years, sometimes by double or triple digit percentages. The IBABC has previously suggested that deductible increases are up from \$25,000 per claim to \$250,000, \$500,000 and, in one case, \$750,000 for water-related losses.

With a loss assessment cap of \$50,000 and a deductible of \$100,000, the strata could only charge \$50,000 back to the responsible owner. The strata corporation would then be liable for the remaining \$50,000 (i.e., divided among the remaining owners to be paid from increased strata fees or a special levy, which they may in turn be able to claim from their own insurance policies or pay for out of pocket if they are uninsured).

The SPA does not require strata lot owners to obtain their own insurance coverage, and there is no data available on how many owners purchase their own insurance in BC. A significant deductible charge back could result in financial hardship for individual owners that do not have their own insurance coverage.

Public Insurance Model

The Ministry mandate letter has committed to exploring a public insurance option if strata insurance rates have not corrected by the end of 2021. If the Province decides to explore a public insurance model, this work would be led by the Ministry of Finance with support from the Office of Housing and Construction Standards as necessary.

Deductible Disputes

There have been approximately 38 Civil Resolution Tribunal (CRT) and British Columbia Supreme Court (BCSC) decisions where the primary legal issue was whether a strata could recover a deductible from an owner under s.158(2).

In about half of those decisions, the amount at issue was \$5,000 or less, and was never over \$25,000. As a result, it may be unnecessary to introduce a \$50,000 cap since a strata has not yet sought to recover more than \$25,000 through the CRT or the BCSC.

However, it is possible that there have been (or could be) deductible charges to owners that are not currently reflected in these legal decisions. For example:

- These decisions would not reflect situations where an owner has been charged back by a strata without subsequent dispute resolution at the CRT or BCSC.
- These decisions may not reflect disputes related to the much higher deductible amounts seen in the last two years, as those disputes would not yet have resulted in a CRT or BCSC decision.

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Alberta Loss Assessment Cap

In January 2020, Alberta amended their legislation to permit condominium corporations to recover the cost of an insurance deductible from an owner where the damage and resulting insurance claim originated in their unit or exclusive possession area.

The Alberta legislation caps the amount of the deductible that can be recovered at \$50,000.

The amendment was intended to give condominium corporations clear authority to collect a deductible from an owner to ensure that other owners do not bear those costs if a single owner is responsible for damage.

Insurance sector partners have suggested that BC set a \$50,000 loss assessment cap in line with the legislative changes in Alberta. The amendments in Alberta were primarily intended to give condominium corporations the same ability to recover deductible costs from owners that already exist under s.158(2) of the SPA; the \$50,000 cap was reportedly included to soften and limit the new authority.

Stakeholder Input

Stakeholders were consulted about the loss assessment cap in June 2021. The consultation included 14 representatives from strata associations, property management associations, the insurance industry and the legal profession (Attachment 1).

Participants from the Insurance Bureau of Canada, ^{s.13} and the Insurance Brokers Association of BC indicated support for a loss assessment cap for the following reasons:

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INDIGENOUS PEOPLES CONSIDERATIONS:

- s.16 |
- This issue is not anticipated to have any unique impacts on Indigenous Peoples.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

- s.13

OPTIONS:

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OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Finance.

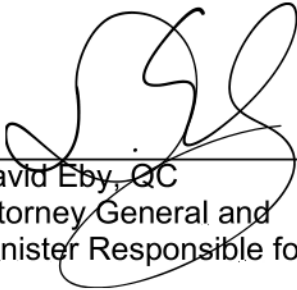


Richard J. M. Fyfe, QC
Deputy Attorney General and
Deputy Minister Responsible for Housing

DATE:

September 29, 2021

RECOMMENDED OPTION APPROVED



David Eby, QC
Attorney General and
Minister Responsible for Housing

DATE:

October 12, 2021

Prepared by:

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Approved by:

Cheryl May
Assistant Deputy Minister
Office of Housing and Construction
Standards
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Attachments:

1. Stakeholder Consultation List

Attachment 1 - Stakeholder Consultation List

- Laura Asta, Insurance Bureau of Canada
- Greg Moy, Insurance Bureau of Canada
- Alyson Baker, Clark Wilson LLP
- Daphne Chan, Sedgwick Adjustors
- Greg Bickert, Professional Association of Managing Property Agents
- Tony Gioventu, Condominium Home Owners Association
- Alex Longson, Real Estate Council of British Columbia
- Norma Miller, BC Real Estate Association
- Allen Regan, Strata Property Agents of British Columbia
- Danielle Russell, Insurance Brokers Association of British Columbia
- Brett Thibault, Insurance Council of British Columbia
- Christa Tolledi, The Cooperators
- Carmina Tupe, Canadian Home Builders Association
- Wendy Wall, Vancouver Island Strata Owners Association

**MINISTRY OF ATTORNEY GENERAL
OFFICE OF HOUSING AND CONSTRUCTION STANDARDS
DECISION BRIEFING NOTE**

PURPOSE: For DECISION of David Eby, QC
Attorney General and
Minister Responsible for Housing

ISSUE: Strata insurance – approval sought for policy on standard unit definition

RECOMMENDATION:

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SUMMARY:

- The *Strata Property Act* (SPA) requires strata corporations to obtain and maintain insurance for certain parts of strata property, including “fixtures” built or installed on a strata lot by the developer. The term “fixtures” is defined in the Regulation.
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BACKGROUND:

Mandatory Strata Insurance for “Fixtures”

Section 149 of the SPA requires the strata corporation to have insurance for:

- common property, common assets, buildings shown on the strata plan; and
- “fixtures” built or installed on a strata lot by the owner developer on a strata lot as a part of the original construction on the strata plan.

Section 9.1 of the Regulation provides that “fixtures” are items attached to a building, including floor and wall coverings and electrical and plumbing fixtures, but do not include refrigerators, stoves, dishwashers, microwaves, washers, dryers or other items if they can be removed without damage to the building.

DISCUSSION:

Rationale for the “Standard Unit”

Insurance industry partners have raised concerns that the current definition of “fixtures” can result in a lack of clarity about insurance responsibilities for certain types of claims.

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Other Jurisdictions

Strata corporations are generally required to insure at least some portion of strata units in all Canadian jurisdictions. Ontario and several other provinces require the “standard unit” to be defined by the developer in the declaration or by the corporation in bylaws.

However, there is no other Canadian jurisdiction with a legislated “standard unit” definition that applies uniformly to all stratas in the province, which is what the insurance industry is advocating that BC adopt. Alberta’s legislation includes a “standard insurable unit description” (SIUD) that the developer fleshes out and provides to purchasers and that is adopted/amended by the corporation. The typical features of a SIUD are outlined in the regulations but are still ultimately determined by the developer and/or corporation.

Stakeholder Input

Stakeholders were consulted about the “standard unit” concept in May 2021. The consultation included representatives from strata associations, property management associations, the insurance industry, the financial sector and the legal profession (Attachment 1).

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INDIGENOUS PEOPLES CONSIDERATIONS:

- s.16
- This issue is not anticipated to have any unique impacts on Indigenous Peoples.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

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OPTIONS:

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OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Finance



Richard J. M. Fyfe, QC
Deputy Attorney General and
Deputy Minister Responsible for Housing

DATE:

September 29, 2021

RECOMMENDED OPTION APPROVED



David Eby, QC
Attorney General and
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DATE:

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Prepared by:

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Attachments:

1. Stakeholder Consultation List

Attachment 1 - Stakeholder Consultation List

- Laura Asta, Insurance Bureau of Canada
- Greg Moy, Insurance Bureau of Canada
- Alyson Baker, Clark Wilson LLP
- Joscelyn Baker, Urban Development Institute
- Chuck Byrne, Insurance Brokers Association of British Columbia
- Kate Campbell, Civil Resolution Tribunal
- Shawn Campbell, Bank of Montreal
- Terry Dowle, Appraisal Institute of Canada
- Greg Bickert, Professional Association of Managing Property Agents
- Tony Gioventu, Condominium Home Owners Association
- Alex Longson, Real Estate Council of British Columbia
- Jennifer Mason, The Cooperators
- Norma Miller, BC Real Estate Association
- Sherre Newell, Aviva
- Allen Regan, Strata Property Agents of British Columbia
- Brian Remington, Office of the Superintendent of Real Estate
- Brett Thibault, Insurance Council of British Columbia
- Wendy Wall, Vancouver Island Strata Owners Association
- Heather Yuzik, Bank of Montreal

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INDIGENOUS PEOPLES CONSIDERATIONS:

A representative from the Musqueam Development Corporation participated in the strata partners consultation and expressed no concerns. The regulations will apply equally to all strata corporations and owner developers.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

Affordability has been carefully considered, as strata owners, on average, have lower household incomes than single-family homeowners. Many strata owners are seniors on fixed incomes, first time home buyers or immigrants.

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OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Finance: ongoing consultation on strata insurance issues.



Richard J. M. Fyfe, QC
Deputy Attorney General and
Deputy Minister Responsible for Housing

DATE:

September 29, 2021

RECOMMENDED OPTION APPROVED



David Eby, QC
Minister of Attorney General and
Minister Responsible for Housing

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October 12, 2021

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- Greg Bickert, President, Professional Association of Managing Agents
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- Jim Allison, President, Canadian Condominium Institute, Vancouver Chapter
- Norma Miller, BC Real Estate Association
- Chuck Byrne, Executive Director, Insurance Brokers Association of BC
- Laura Asta, Senior Policy Advisor, Insurance Bureau of Canada
- Alex Longson, Professional Standards Advisor, Real Estate Council of BC
- Jennifer Mason, Co-Operators
- Tara Laidman, Associate Vice President, National Product Portfolio, Co-Operators
- Joscelyn Baker, Urban Development Institute
- Jake Fry, Canadian Home Builders Association of BC
- Adrienne Murray, lawyer
- Kim Schuss, Musqueam Capital Corporation
- Wendy Wall, Vancouver Island Strata Owners Association

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INDIGENOUS PEOPLES CONSIDERATIONS:

- s.16
- This issue is not anticipated to have any unique or disproportionate impacts on Indigenous peoples or organizations.

GBA+ OR DIVERSITY AND INCLUSION IMPLICATIONS:

- s.13

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Finance

OPTIONS:

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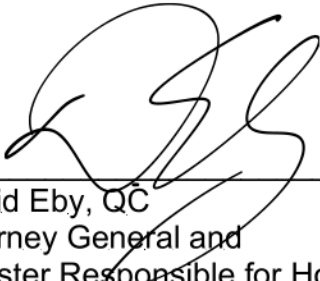


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DATE:

September 29, 2021

RECOMMENDED OPTION APPROVED



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- Jim Allison, President, Canadian Condominium Institute, Vancouver Chapter
- Mark Sakai, Advocacy Projects Manager, BC Real Estate Association
- Chuck Byrne, Executive Director, Insurance Brokers Association of BC
- Laura Asta, Senior Policy Advisor, Insurance Bureau of Canada
- Grey Moi, Manager Government Relations, Insurance Bureau of Canada
- Alex Longson, Professional Standards Advisor, Real Estate Council of BC
- Samantha Gale, CEO, Mortgage Brokers Association of BC
- Harry James, Director, Policy Initiatives, BC Financial Services Authority
- Jennifer Mason, Co-Operators
- Tara Laidman, Associate Vice President, National Product Portfolio, Co-Operators
- Laura Kershaw, Account Manager, Canada Mortgage and Housing Corporation
- Karin Ots, Senior Vice President, Regulatory and Government Relations, Aviva Canada
- Joseph Pisani, Director Industry Sectors, BMO Financial Group