
Summary of Local Government Legislation

2 0 0 7



BRITISH
COLUMBIA

Ministry of Community Services

Summary of Local Government Legislation

2 0 0 7



BRITISH
COLUMBIA

Ministry of Community Services

Library and Archives Canada Cataloguing in Publication Data

Main entry under title:

Summary of local government legislation. -- 2003-

Annual

Running title: Summary of legislation.

Also available on the Internet.

Imprint varies: Ministry of Community Services, 2005- .

Continues: Summary of legislation (Victoria, B.C.) ISSN 1181-988X.

ISSN 1712-5316 = Summary of local government legislation.

1. Law - British Columbia - Digests. 2. Municipal corporations - British Columbia - Digests. 3. Local government -- Law and legislation - British Columbia - Digests. I. British Columbia. Ministry of Community, Aboriginal and Women's Services. II. British Columbia. Ministry of Community Services. III. Title: Summary of legislation.

KEB58

348.711/026

C2004-960156-3

USING THIS SUMMARY

This is a summary of legislation passed during the 2007 Spring sitting of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in 3 parts.

Part A covers 2 bills that amend local government legislation for which the Ministry of Community Services is responsible. One of these bills was sponsored by the Minister of Community Services, and the other bill was sponsored by another Minister.

Part B covers 7 bills that do not significantly affect Ministry of Community Services' legislation, but contain amendments that directly affect local governments. In some cases, a bill in this Part may also consequentially amend local government legislation.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate, **section 16** of Bill 11, *Community Services Statutes Amendment Act, 2007*, makes amendments to **s. 11** of the existing *Local Government Act*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of December 31, 2007.

Part C provides an index to Ministry of Community Services' local government legislation according to the Act and section amended by 2007 legislation.

This Summary provides a brief description of bills passed in 2007 that directly affect local governments. For a complete listing and the full text of all bills introduced or passed in that session, go to the Legislative Assembly of British Columbia web site at: <http://www.leg.bc.ca/legislation/index.htm>.

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

CONTENTS

PART B – Amendments to Local Government Legislation..... 1

Bill 11 Community Services Statutes Amendment Act, 2007	1
Bill 35 Miscellaneous Statutes Amendment Act (No. 2), 2007	4

PART B – Other Legislation Affecting Local Governments..... 7

Bill 2 Budget Measures Implementation Act, 2007.....	7
Bill 6 Public Inquiry Act	8
Bill 10 Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act, 2007.....	9
Bill 12 Miscellaneous Statutes Amendment Act, 2007	10
Bill 19 Small Business and Revenue Statutes Amendment Act, 2007	12
Bill 20 School (Student Achievement Enabling) Amendment Act, 2007.....	13
Bill 32 Assessment Statutes Amendment Act	13
Bill 33 Attorney General Statutes Amendment Act.....	16
Bill 34 Homeowner Protection Amendment Act, 2007	17
Bill 40 Tsawwassen First Nation Final Agreement Amendments Act, 2007 ...	18
Bill 41 Final Agreement Consequential Amendments Act, 2007	19
Bill 42 Treaty First Nation Taxation Act, 2007	22
Bill 43 Greater Vancouver Transportation Authority Amendment Act, 2007 ..	24
Bill 45 Maa-nulth First Nation Final Agreement Amendments Act, 2007.....	27

PART C – Index of Amendments to Local Government Legislation..... 29

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION****PART A – Amendments to Local Government Legislation****Bill 11****Community Services Statutes Amendment Act, 2007**

Sponsored by the Minister of Community Services and Minister Responsible for Seniors' and Women's Issues

The Community Services Statutes Amendment Act, 2007 makes amendments to a number of local government statutes, most notably the Community Charter, Local Government Act, Mountain Resort Associations Act and the Vancouver Charter. These amendments provide finance, development and governance tools to resort regions, streamline municipal processes and provide a new land use tool to local governments.

Deemed conviction provisions for ticketing offences

Section 3 amends s. 270(2) of the *Community Charter* to establish that any person who fails to appear at a hearing to dispute a ticket is deemed to have pleaded guilty to the offence for which the ticket was issued. Section 4 amends s. 271 to provide that any person who fails to respond to a ticket is deemed to have pleaded guilty to the offence for which the ticket was issued. Sections 2 and 5 make consequential amendments to the *Community Charter* (s. 269 and s. 273) as a result of amending s. 270 and s. 271.

Vancouver Charter ticketing provisions

Sections 1, 32, 44 and 47 clarify and make consequential amendments to maintain the existing framework of the bylaw ticketing system and ensure that deemed conviction provisions for tickets are parallel between the *Community Charter* and *Vancouver Charter*.

Transitional ticketing provisions

Section 50 provides that tickets issued before the new deemed conviction provisions come into force, continue under the previous rules until the ticket is resolved by payment, conviction or quashing by a justice.

Changes to Mountain Resort Associations Act

Sections 33 and 34 amend the *Mountain Resort Associations Act*, changing its title to the *Resort Associations Act* and replacing the definition of "mountain resort area" with a definition of "resort promotion area" under s.1 as the area in which resort associations may be established.

Section 36 extends applicability of the *Mountain Resort Associations Act* to non-mountain resort areas provided that the area is within a designated resort region under the *Local Government Act* (s. 2) and empowers the minister to establish a resort association within a resort region, if approved by the affected local government and supported by a petition from land owners.

Sections 35 and 37 to 39 make consequential amendments to ensure consistency with the new Act name.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**New Mountain
Resort
Municipalities

Section 16 amends s. 11 of the *Local Government Act*, adding criteria for the establishment of a mountain resort municipality. The Minister may only recommend an area for incorporation as a mountain resort municipality if the area contains specified mountain resort operations, facilities and accommodation (or if there are agreements with the government concerning the future development of such operations and facilities) (s. 11(1.1)). New mountain resort municipalities may be incorporated without a vote of the electors if an agreement is in place respecting the development of such operations, facilities and accommodation (s. 11(2.1)). Additional authority is provided in the letters patent of some mountain resort municipalities, including appointment of council members (ss. 11(3.1) to (3.3)).

Section 17 amends s. 13 of the *Local Government Act* to provide additional letters patent authorities to assist unincorporated mountain resorts as they transition to incorporated mountain resort municipalities. The new authorities provide for the appointment of an additional council member, requirements for the municipality to establish and consult with a resort advisory committee and requirements to adopt an Official Community Plan within a given timeframe and obtain approval from the Minister. Until this approval, all land use planning bylaws must be approved by the Minister.

New Mountain
Resort
Improvement
Districts

Section 18 amends s. 732(1) of the *Local Government Act* to enable the minister to recommend incorporation of a new mountain resort improvement district to Cabinet if specified mountain resort operations, facilities and accommodation exist (or there is an agreement with government concerning the future development of such operations and facilities).

Designation of
Resort Regions

Section 15 adds s. 6.8 to the *Local Government Act* enabling Cabinet to designate an area as a resort region, as long as the region includes an entire municipality and no portion of a municipality. This designation is essential for the region to participate in revenue sharing under the *Hotel Room Tax Act*.

Sections 6 and 7 amend ss. 1 and 2 of the *Hotel Room Tax Act* to define the terms and set the rates and procedures for the implementation of the *Hotel Room Tax (Resort) Transfer Program*. Under this program, a resort body in a resort area meeting specified criteria (e.g. being a designated resort region), collecting the 2% additional hotel room tax and having an agreement with the province, may collect a prescribed tax of between 1% and 4% of the price of accommodation. Sections 8 to 11 establish and clarify the collection of the taxes under the *Hotel Room Tax Act*.

Development
Permits and
Development
Cost Charges for
Resort Regions

Sections 25 and 26 amend the *Local Government Act* to enable local governments in resort regions to establish, in official community plans, development permit areas to influence the form and character of development to enhance the resort and retain its character (s. 919.1), and to enable them to impose requirements respecting landscaping, exterior design and finishing of development within a resort development permit area (s. 920.8).

Sections 28 and 29 establish the authority for local governments in resort regions to impose development cost charges for employee housing to support the operation of resort activities (s. 933).

Section 30 establishes the authority of the inspector to ensure that development cost charges imposed in resort regions for employee housing are related to resort activities in the resort region (s. 937(2)).

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**Phased
Development
Agreements

Section 23 adds authority for phased development agreements under the *Local Government Act*. A phased development agreement is an agreement between a developer and the local government, which has the effect (for the term of the agreement) of “freezing” subsequent changes to zoning bylaws and specified development permits applying to the development, unless the developer agrees (s. 905.1). The legislation provides:

- The definition of the terms, provisions and requirements for local governments to enter into phased development agreements (s. 905.1);
- Exceptions to the “freezing” effect of a phased development agreement, in relation to matters such as unforeseen hazardous conditions and development permits for the protection of the natural environment (s. 905.1);
- A 10-year maximum term for phased development agreements, with extensions of up to 20 years available, with the approval of the Inspector of Municipalities (s. 905.2);
- The process by which a phased development agreement may be amended, if both parties agree to the amendments (s. 905.4);
- The requirement for a public hearing before a phased development agreement bylaw is adopted (s. 905.3); and
- Transparency and access for the public on the agreement, amendments and any other documentation (s. 950.5).

Section 24 adds a new subsection to s. 911 of the *Local Government Act* consequentially. Subsection (8.1) clarifies that if a legally non-conforming building is substantially destroyed and the use is authorized by way of a phased development agreement, it may be repaired or reconstructed to the use authorized in the phased development agreement, as opposed to the use authorized by the current zoning.

Exclusion of
bankrupt property
from regional
district
apportionment

Section 20 adds s. 804.11 to the *Local Government Act* enabling regional districts to temporarily exclude the value of a property from the apportionment (sharing) of service costs amongst regional district members if the property is under creditor/bankruptcy protection proceedings. This is done by excluding the value of the property from the apportionment calculations of the regional district's tax requisition.

Section 19 consequentially amends s. 791(3) of the *Local Government Act* to establish that voting at the regional district board on the question of exclusion of a property will be conducted under the rule of *one director, one vote*.

Energy Utilities in
Vancouver

Section 43 amends s. 300.1 of the *Vancouver Charter* to allow council to establish, operate and regulate energy utility systems, and section 41 adds authority in s. 242(2) to borrow money for the purposes of constructing and maintaining an energy utility system.

Chauffer
licensing
streamlining

Section 42 amends s. 277.1 of the *Vancouver Charter* permitting one or more members of the council, instead of the full council, to hear appeals in relation to applications for chauffer licenses.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Validation of resolutions made by the Capital Regional District

Section 40 adds s. 21 to the *Municipalities Enabling and Validating Act (No. 3)* to validate some resolutions, bylaws, permits and other actions taken for planning and land use by the Capital Regional District between October 13, 2004 and March 29, 2006 in relation to properties in the portion of the Juan de Fuca Electoral Area that used to be the Sooke Electoral Area.

http://www.leg.bc.ca/38th3rd/3rd_read/gov11-3.htm

S.B.C. 2007, c. 6

(Sections 6-8, 10, 12 to 15 effective July 1, 2006;

Sections 19 and 20 effective January 1, 2007;

Sections 1-5, 32, 44 and 47 in force by B.C. Reg. 189/2007 effective August 1, 2007;

Sections 21-24 and 27 in force by B.C. Reg. 190/2007 effective June 21, 2007;

Section 31 effective July 8, 2004;

Sections 9, 11, 16 to 18, 25, 26, 28 to 30, 33 to 43, 45, and 46 effective March 29, 2007.)

Bill 35**Miscellaneous Statutes Amendment Act (No. 2), 2007**

*Sponsored by the Minister of Attorney General
and Minister Responsible for Multiculturalism*

The Miscellaneous Statutes Amendment Act makes important amendments to the Community Charter, Local Government Act and Vancouver Charter. It adds new taxation rules, including greater revitalization tax exemption powers and a general enhancement of disclosure policies. There is also an amendment to the Land Title Act clarifying the ability to enforce leases on subdivided land.

Revenue policy disclosure requirements

Section 2 amends s. 165 of the *Community Charter* by adding s. 165(3.1) and the requirement that a five year financial plan set out objectives and polices related to the following three things: the proportion of total revenues that come from each funding source; the distribution of property taxes among classes; and the use of permissive tax exemptions. Section 3 amends s.197 by adding subsection (3.1), which stipulates that municipal councils, before adopting a bylaw in relation to tax rates for property classes, must consider the proposed rates in conjunction with the policies and objectives set out in the financial plan regarding the distribution of property taxes.

Disclosure requirements in the Vancouver Charter

Sections 46 and 47 make similar amendments regarding disclosure of revenue policies and objectives to ss. 219 and 373 of the *Vancouver Charter*, adapting it to the structure of Vancouver (e.g. under s. 219(1)) the Director of Finance must make a report to council regarding revenue policies and objectives and under s. 373 council must consider taxation objectives and policies when setting rates for property classes in the annual rating by-law).

Definition of "financial plan" for Regional Districts

Section 42 amends s. 5 of the *Local Government Act* to add a definition of "financial plan" for regional districts (defined as the current financial plan under s. 815) Previously, the definition in the *Community Charter* was read to apply to regional districts. It no longer does, as the new s. 165(3.1) requirements to establish specific revenue-related objectives in the financial plan do not apply to regional districts.

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Broadened
revitalization tax
exemption
authority

Section 4 amends s. 226 of the *Community Charter* to broaden the revitalization tax exemption authority. The revised section allows the exemption to apply to land and/or improvements, at council's discretion, without tying the exemption to an increase in the value of an alteration or an improvement (s. 226(2)) or to property in a designated area. The three components of the revised scheme are outlined in (226(3)): there must be a revitalization program bylaw; an exemption agreement must apply to the property; and an exemption certificate must be issued.

The required elements of the bylaw establishing the revitalization tax exemption program are listed in s. 226(4). The maximum term of the exemption must be defined and cannot be longer than ten years. In addition to these requirements, s. 226(5)(a) lists elements a program bylaw may consider. Program bylaws may differ in respect to the area of the municipality, property class, classes of land or improvements, activities and circumstances related to the property or its use and uses as established by zoning bylaws (s. 226(5)(b)).

Before adopting a program bylaw, council must publish a notice and consider it conjunction with the objectives and policies established in the financial plan regarding the use of permissive tax exemptions (s.226(6)). Section 5 amends s. 227 of the *Community Charter* to update the requirements for public notice in regard to the revitalization exemptions outlined in s. 226. It requires that the public be notified with a general description of the reasons/purpose of the exemption, how the program will meet those, the kinds of property/activities which will be exempt and the extent, amounts and maximum terms provided under the program.

Council may enter into an agreement with a property owner regarding provisions of a revitalization tax exemption, including requirements for issuance and conditions under which the exemption is provided (s. 226(7)).

After conditions and requirements have been met, the municipality may issue a certificate which includes the contents of the revitalization program bylaw (s.226(8) and (9)). As in the previous legislation, there are provisions in relation to the time the certificate is issued (s.226(12)), cancellation of the certificate (s.226(11)) and responsibilities of the designated municipal officer to provide a copy of the certificate to the assessor and notification of cancellation (s.226(13)).

Vancouver
Charter

Section 48 adds s. 396E to the *Vancouver Charter*. This sets out the same requirements for a revitalization tax exemption authority now found in s. 226 of the *Community Charter*, adapted to the structure of Vancouver (e.g. the Director of Finance must provide a copy of the certificate or notice of cancellation to the assessor (s.396E(15)). Notice requirements are made explicit in s.396E(7) (notice must be published in a newspaper once each week for 2 consecutive weeks and be posted for public inspection in City Hall during regular business hours). Each year (no later than the adoption of the rating by-law) the Director must provide council with a report outlining each exemption and the amount of revenue forgone (s.396E(16(a))). As soon as practicable council must consider the report and make it available to the public (s.396E(16)(b)) in a manner parallel to the *Community Charter* s. 98(2)(b).

PART A**AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

Transitional Provisions

Sections 53 (in relation to the *Community Charter*) and 54 (in relation to the *Vancouver Charter*) provide transitional provisions so that new reporting requirements related to taxation policies and objectives will be “phased in,” taking full effect in 2009. The requirements under ss. 165(3.1) and 187(3.1) of the *Community Charter*, and under ss. 219(2) and 373(3) of the *Vancouver Charter* do not apply in 2007. In 2008 the obligations in those sections are met by reports that include general statements regarding the matters required to be reported. Consideration of the annual property tax bylaw (the annual rating bylaw in the case of Vancouver) can be done in consideration of those general statements. The provisions apply fully in 2009.

In 2008, section 53(3) provides transitional provisions in relation to revitalization tax exemption bylaws: if the bylaw is adopted before the annual financial plan for 2008 is adopted, the provisions under 226(6)(b) of the *Community Charter* (consideration of objectives and policies in relation to revitalization program bylaws) do not apply. If, however, it is adopted after the 2008 plan, but before the plan for 2009 is adopted, the obligations under s.226(6)(b) must be met by considering the general statements in relation to tax exemptions policies and objectives.

Section 54(3) provides the same transitional provisions for revitalization tax exemption by-laws under the *Vancouver Charter*, referring to “estimates” instead of “annual financial plans” in the city’s obligations to consider taxation objectives and policies under s.396E(6)(b).

Amendments to the *Land Title Act*: Leases of part of parcels of land

Section 26 amends the *Land Title Act* by adding s.73.1, clarifying that a lease, or an agreement for a lease, may be enforceable, even if it does not comply with s. 71 or if an application for the registration of the lease was rejected. Requirements under s. 71 state that a parcel of land cannot be subdivided into parcels smaller than those of which the person is the owner, in order to lease, or agree to lease, it for life or a term longer than 3 years. This reflects a similar exemption already made for airports in s. 41 of the *Municipalities Enabling and Validating Act (No.2)*, and therefore does not apply to airport leases as defined there.

http://www.leg.bc.ca/38th3rd/3rd_read/gov35-3.htm

S.B.C. 2007 c. 24
(sections 2-4, 26, 46-48, and 53 effective May 31, 2007.)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****PART B – Other Legislation Affecting Local Governments****Bill 2****Budget Measures Implementation Act, 2007**

Sponsored by the Minister of Finance

This Bill makes amendments to several statutes related to taxation, including the Home Owner Grant Act, Hotel Room Tax Act, Land Tax Deferment Act and Ports Property Tax Act.

Low-income grant supplements under the *Home Owner Grant Act*

Sections 2 to 8 of the Act amend ss. 2 and 7 of the *Home Owner Grant Act* so that specified owners, occupants, spouses and relatives who are low income individuals and who are subject to grant reductions (because their property exceeds the threshold value) may be eligible for low income tax grant supplements. Some eligibility requirements are also defined. Section 5 provides that it is an offence to supply false information in respect of an application for such a grant (s. 16(1)) and section 6 stipulates that individuals who are given grants to which they are not entitled, must repay the money (s. 17). Section 8 adds s. 18.1, which allows Cabinet to establish a program to administer the grant supplements (s. 18.1(2)).

Under s. 18.1(3), Cabinet has the authority to make a variety of regulations in relation to the program, including the qualifications and conditions a person must satisfy, and the amounts for which they are eligible (or how they are determined). The grant administrator is authorized to collect and use information to determine eligibility for the grants (s. 18.1(4)). Section 7 amends s. 18 so that these regulations may be retroactive to January 1st of the year in which they are made. However, the supplements are not available in respect of property for the 2006 tax year or earlier (s. 18.1(11)).

Tax refunds and assessment under the *Hotel Room Tax Act*

Section 9 changes ss. 12 and 13 of the *Hotel Room Tax Act* which provide refunds for taxes paid in error and in mistake of law. The temporal limit for bringing an action for a refund of taxes paid in error and applying for a refund of taxes paid by mistake of law has been reduced from six years after the specified event to four years.

Section 10 amends s. 17(5) by shortening the assessment period applicable in the event that a person has received a tax refund in an amount in excess of what was due, from six years after the specified day to four years.

Land Tax Deferment minimum age lowered

Section 11 amends s. 5(1) of the *Land Tax Deferment Act*, lowering the minimum age for eligibility for deferment of property taxes from 60 to 55.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Ports Property
tax and occupied
crown land

Section 14 amends s. 2 of the *Ports Property Tax Act*. This addresses crown land that becomes taxable because it is occupied by a party other than the crown and is designated by Cabinet as “eligible port property” under s. 2(1). Under the new s. 2(4), such land is immediately eligible for a ports property tax rate cap, regardless of when the designation is made (i.e. the designation does not need to be in force by October 31st of the preceding year).

http://www.leg.bc.ca/38th3rd/3rd_read/gov02-3.htm

S.B.C 2007, c.1

(Sections 2-8 in force by B.C. Reg. 124/2007 effective May 22, 2007;
Section 9 effective May 1, 2007; section 10 effective February 21, 2007;
Section 11 effective January 1, 2007; section 14 effective March 12, 2007)

Bill 6**Public Inquiry Act**

*Sponsored by the Attorney General and Minister Responsible for
Multiculturalism*

This Bill repeals and replaces the Inquiry Act, R.S.B.C. 1996, c. 224, with a new Public Inquiry Act. Local government legislation is affected by consequential amendments to the Local Government Act and Vancouver Charter.

Reference
Updates

References to the old *Inquiry Act* are replaced with “the *Public Inquiry Act*.” Section 37 updates s. 287.2 (1)(c) of the *Local Government Act* and section 41 updates s.180 (2) of the *Vancouver Charter* to refer to the new Act regarding indemnification in relation to inquiries. Section 122 also updates a reference in s. 1021 of the *Local Government Act*, which establishes the powers of the Inspector of Municipalities (or authorized person) when conducting an inquiry into local government matters.

Powers of a
barrister under
the *Vancouver
Charter*

Section 106 repeals and replaces s.177 of the *Vancouver Charter* with new provisions which make explicit the powers of a barrister conducting an investigation of alleged misconduct under s.176. Formerly, these powers were only defined as those of a commissioner under the *Inquiry Act*. The new s.177 requires the barrister to make the investigation and report to Council without delay (s. 177(1)). The provisions also outline the power of the barrister to make, or to apply to court, for various orders (s. 177(2) & (3)), as well as the rights of an individual being investigated to have notice of any charge against them and to be heard (s. 177(5)(a) & (b)). The new s.177.1 details circumstances in which contempt proceedings may be taken against a person who does not comply with orders.

http://www.leg.bc.ca/38th3rd/3rd_read/gov06-3.htm

S.B.C 2007, c.9

(In force by B.C. Reg. 226/2007 effective June 21, 2007)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Bill 10 Tobacco Sales (Banning Tobacco and Smoking in Public Places and Schools) Amendment Act, 2007
Sponsored by Minister of Health

This legislation renames the Tobacco Sales Act and bans smoking indoors, near doors and windows and in schools and on school grounds. It prohibits the sale and distribution of tobacco in a number of prescribed places and allows strict regulations in regards to advertising and displaying tobacco products.

Title of Act changed	Section 1 repeals the title of the <i>Tobacco Sales Act</i> , renaming it the <i>Tobacco Control Act</i> .
Prohibition of tobacco sales in certain places	Section 3 adds s. 2.1 to the <i>Tobacco Control Act</i> which bans the sale or distribution of tobacco in the following places: health care facilities; public post-secondary campuses; buildings/structures owned or leased by a public body and used for recreational or athletic activities; buildings/structures owned or leased by the government or a crown corporation; and prescribed places (s. 2.1(1)). A manager, owner or lessee of such a place is liable if any person contravenes the ban (whether or not that person is charged); unless they can prove that they exercised reasonable care and diligence (s. 2.1(2), (3) & (4)).
Tobacco bans in schools	Section 3 adds s. 2.2 banning smoking or holding lighted tobacco on school property (s. 2.2(1)). Contravention of the ban by any person renders the board, superintendent and principal liable, unless they can prove that they exercised reasonable care and diligence (s. 2.2(4) & (5)). The section makes exceptions for the ceremonial use of tobacco in relation to traditional aboriginal cultural activities or by a prescribed person (s. 2.2(3)).
Tobacco bans in certain places	Section 3 also provides that smoking or holding lighted tobacco is banned in fully or substantially enclosed workplaces, public places and prescribed places (s. 2.3(1)). This ban also applies to smoking within a prescribed distance from a door, window or other air intake at these places (s. 2.3 (2)). As in s. 2.2, the manager, owner or lessee of the place is liable for any contravention and, at a workplace, the employer is liable for contraventions (s. 2.3(3) & (4)). The same defences and exceptions also apply.
Regulations to prohibit display and promotion	Section 3 also adds s. 2.4, which makes it an offence to contravene regulations prohibiting the display, advertisement or promotion of tobacco.
Power to make regulations and enforcement	Section 5(b) amends s. 11 of the Act giving Cabinet the ability to make regulations in regards to ss. 2.1-2.3. Section 6 amends s. 12 to make a contravention of any of the new provisions or regulations an offence.

http://www.leg.bc.ca/38th3rd/3rd_read/gov10-3.htm

S.B.C 2007, c.12
 (sections 1 and 6(b) in force by B.C. Reg. 232/2007 effective September 1, 2007;
 Sections 5 (b) and 3 insofar as it enacts s. 2.2 in force by B.C. Reg. 232/2007 effective
 September 2, 2007;
 Section 3 insofar as it enacts ss. 2.1, 2.3 and 2.4 in force by B.C. Reg. 394/2007 effective
 March 31, 2008.)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 12** **Miscellaneous Statutes Amendment Act, 2007**

Sponsored by the Attorney General and Minister Responsible for Multiculturalism

This Act makes changes to various statutes. Of key interest to local governments, the Act amends the Police Act, enabling the province to recover up to fifty percent of the cost of local policing in electoral areas, the Stikine and small municipalities provided services by the provincial police force.

Definition of contributing areas	Section 61 adds Division 9.1 to the <i>Police Act</i> which sets out a property tax scheme by which the government can recover up to 50% of the police service costs in small municipalities and electoral areas. These areas are defined as “contributing areas” and include municipalities not providing policing and law enforcement under s. 3(2) of the <i>Police Act</i> , an electoral area of a regional district or the area of the province outside a regional district (s. 66.2(1)).
Determination of total cost of policing	The Solicitor General must estimate the total cost of policing in all contributing areas, taking into account the number of members of the provincial police force providing services to contributing areas and the average annual cost of a member of the provincial police force providing services in municipalities that provide law enforcement under s. 3(2) of the Act (s. 66.21(2)). The province can then impose a tax in the contributing areas to raise revenues toward this total cost (s. 66.21(1)).
Apportioning police taxes	Under s.66.3, the Finance minister determines the total amount to be raised from police taxes from the contributing areas, which cannot exceed 50% of the total cost estimate (ss. 66.3(1) and (2)). Cabinet annually apportions the amount amongst the contributing areas and determines the rates applied to the net taxable value of the land and improvements in each contributing area in order to recover its apportioned amount (s. 66.3(2)). Cabinet may take into account the converted value of land and improvements and population in each area (s. 66.3(4)), and these rates may differ across contributing areas (s. 66.3(5)). The legislation also requires that Cabinet adopts a variable tax rate system in determining these rates (s. 66.31).
Re-apportionment and adjustment	Regional districts can request that Cabinet reapportions the total amount allocated amongst contributing areas in the regional district and determine rates relative to that reapportionment (s. 66.3(6)). The legislation also allows for adjustments to be made in the current or subsequent tax years if the net taxable value changes (s. 66.41).
Requisition and collection of taxes	The collector in each municipality will receive a notice by May 10th each year from the Revenue minister, outlining the following: the net taxable value of land and improvements; the total of amount of police tax to be collected; and the rate to be applied to each assessment class (s. 66.4(1)). A municipality that receives a notice must act as an agent of the Province for collecting police taxes, and follow the same procedure in collecting police taxes as it does with school taxes in identifying the tax as a separate line on the property notices (s. 66.81). A municipality must remit the taxes to the Finance minister on an instalment basis, with requirements similar to those contained in the <i>School Act</i> (s. 66.5). The Surveyor of Taxes will collect police taxes in electoral areas and the Stikine in a manner similar to the collection of taxes in municipalities (ss. 66.4(2) and 66.81).

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Administration fee	While the municipality must not charge a fee to the government or taxpayer to cover the costs of collecting police taxes or losses that have occurred through failure to collect taxes (s. 66.81(6)), the Revenue minister may authorize the amount of an administration fee that may be retained by the municipalities from the police taxes collected (s. 66.9).
Inspection of records	The Surveyor of Taxes may inspect records of a municipality for the purpose of ensuring compliance with the Act (s. 66.8).
Provisions similar to the <i>School Act</i>	Under s. 66.71, the municipality must pay penalties and interest on unpaid taxes at a rate prescribed by Cabinet. The requirements, process and powers of the Surveyor of Taxes are modelled on those in the <i>School Act</i> , as are other provisions such as the write off of uncollectible taxes (s. 66.6) and the application to municipalities of property owners for grants in place of taxes where applicable (s. 66.61).
Consequential amendments	Several consequential amendments reflect the new police tax. Section 4 amends s. 26(2) of the <i>British Columbia Transit Act</i> and section 42 amends s. 34(3) of the <i>Greater Vancouver Transportation Authority Act</i> to add the <i>Police Act</i> to the list of taxing statutes from which transportation related land and improvements can be exempt. Similarly, section 43 amends s. 49.3(4) of the <i>Islands Trust Act</i> to include the <i>Police Act</i> as a taxing statute for which a natural area exemption certificate may provide tax exemptions. Section 9 amends the <i>Community Charter</i> to add taxes imposed under the <i>Police Act</i> after taxes imposed under the <i>School Act</i> in the order that tax payments are credited by the collector.
Retroactive application	These provisions come into force on December 31, 2006 (section 69), to make the police tax effective for the 2007 taxation year.

http://www.leg.bc.ca/38th3rd/3rd_read/gov12-3.htm

S.B.C. 2007, c.8
(Sections 4, 9, and 61 effective December 31, 2006;
Sections 42 and 43 effective March 29, 2007)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 19 Small Business and Revenue Statutes Amendment Act, 2007***Sponsored by Minister of Small Business and Revenue*

Bill 19 makes a number of amendments to several taxation and revenue statutes. These include streamlining information-sharing in order to facilitate the administration of various acts and provisions related to tax-rulings and taxation notices. A few changes are of interest to local governments.

Taxation notices under the *Taxation (Rural Area) Act* Section 50 amends s. 11 of the *Taxation (Rural Area) Act* so that the Surveyor of Taxes must issue a copy taxation notice of the B.C. Assessment Authority reports when there has been a change in address of the taxpayer (s. 11(1.1)(a)) or a change in ownership of a parcel of land (s. 11(1.1)). The requirements to issue a copy notice if the taxpayer did not receive the original remain.

It also adds s. 11(1.11), which extends the date on which taxes are due, upon receipt of a copy taxation notice. They are now payable the later of either July 2 of the year the copy notice is issued or 38 days after the issue date of the copy notice.

Section 51 amends s. 21 so that the Surveyor of Taxes can decline to send a taxation notice if the tax payable will be smaller than a prescribed amount (s. 21(9)). Section 52 adds s. 29(2) so that the taxpayer is not liable for taxes in such cases, and section 53 gives Cabinet the power to set the prescribed amount (s. 57(2)(c.1)).

Tax rulings under the *Hotel Room Tax Act* Sections 3 to 7 amend to the *Hotel Room Tax Act* to provide for tax rulings under that Act, including provisions for applications for, and issuance of, rulings and to stipulate that a ruling is binding on the director (ss. 1.1- 1.5). Cabinet also has the power to make regulations in respect of such rulings (s. 44).

Information sharing under various acts Sections 1, 13, 30 and 49 of the Act make changes which empower a ministry person to share information obtained under the *Home Owner Grant Act*, the *Land Tax Deferment Act*, the *Property Transfer Tax Act* and the *Taxation (Rural Area) Act*. Amendments to each of these acts allow personal information to be disclosed for specified purposes (e.g. facilitating the administration and enforcement of the other acts). However, they also contain provisions which restrict the use and disclosure of this shared information. These include prohibiting disclosure to an employee of, or a person who is retained under a contract to perform services for, a municipality or a government agent office.

http://www.leg.bc.ca/38th3rd/3rd_read/gov19-3.htm

S.B.C. 2007, c.31
(sections 1, 13, 30 and 49 effective October 15, 2007;
sections 3-5 and 7 in force by regulation;
section 6 effective June 29, 2005;
sections 50 and 51 effective May 31, 2007)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 20 School (Student Achievement Enabling) Amendment Act, 2007***Sponsored by Minister of Education*

This Act makes a number of changes to the School Act regarding student achievement, literacy plans, fees for courses, appeals of board decisions and demonstration schools. It broadens the mandate of school boards and therefore renames them “boards of education.” This consequentially affects a number of local government statutes.

Amended
definition of
“board”

Section 2 repeals and replaces the definition of “board” so that it defines both “board” and “board of education” as a board of school trustees.

Section 44 consequentially amends the following acts by striking out “school boards” and inserting “boards of education:”

- *Local Government Act*, (s. 881(1) and (2) and ss. 937.2 – 937.91);
- *Islands Trust Act* (s.29(5)); and
- *Vancouver Charter* (s.421A(b) and s.562.1).

Sections 46 and 47 also update references to board of education resolutions, requirements and proposals in ss. 937.4 and 937.5 of the *Local Government Act*.

http://www.leg.bc.ca/38th3rd/3rd_read/gov20-3.htm

S.B.C. 2007 c.29

(Sections 2, 44, 46 and 47 in force by B.C. Reg. 229/2007 effective July 1, 2007.)

Bill 32 Assessment Statutes Amendment Act

Sponsored by the Minister of Small Business and Revenue and Minister Responsible for Deregulation

This Act amends the Assessment Act and the Assessment Authority Act. It makes important changes to the way in which strata hotel units, major ski hills and ports are assessed. It contains provisions dealing with the governance structure of the Assessment Authority, clarifying and changing roles and responsibilities. There are also some amendments which change the definition of “farm” and allow appeals to the assessment appeal board outside the time limit requirement.

New approaches
to assessing
strata hotel units

Sections 12 and 13 make significant changes to the way in which strata hotels are classified and, thus assessed, by amending s.19 of the *Assessment Act*. Strata accommodation can be classed as either: Class 1 (residential) or Class 6 (business). Under the new model individual strata units will be assessed based on a split of actual use.

The legislation adds a definition of “strata accommodation property” as a strata lot of 20 or more units that is rented or offered for rent as overnight accommodation for periods of less than 28 days for at least the prescribed percentage of the year. It also adds s. 19(1.1) which allows Cabinet to make regulations prescribing a percentage used to define “strata accommodation property”; respecting the inclusion

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

of strata accommodation property in Class 1 if conditions are met; and regarding the attribution of the actual value of property which is classified in 2 or more classes. However, the addition of s.19.1 clarifies circumstances in which property must be Class 1:

- Existing class 1 hotels (those which received only that classification in the previous taxation year) must continue to be classified as such (19.1(1)(a)).
- If the strata lot (despite including 20 or more strata lots and being available for overnight accommodation) is not controlled or managed by one or more persons who control/manage over 85% of the lots, or is not offered for rent for periods of less than 7 days as overnight accommodation for at least 50% of the 12 month period, it meets “personal use” requirements (s.19.1(1)(b)).
- A property is not defined as “strata accommodation property” if it is available for parking, storage or commercial purposes other than overnight accommodation (s.19.1(2)).

Special valuation rules for designated ski hill property

Section 17 changes the way in which designated ski hills are assessed by adding s. 20.2 to the Assessment Act.

- A “designated ski hill property” is one which has been deemed to be “eligible property” because all improvements on the land are recreational improvements or the land is necessarily incidental to the provision of recreational activity. “Recreational improvements” are things such as lifts, tows and parking facilities(s.20.2(1)).
- Cabinet has the authority to make regulations designating eligible property, setting the formula by which designated ski hills will be valued and respecting the apportionment of the actual value of the ski hill between property classes and between land and improvements (s.20.2(4)).
- Regulations in respect to rates and formulas may take into consideration revenue when considering actual value (allowing adjustment for fluctuations in revenues or actual value) and treat designated ski hill properties as one for the purposes of assessment (s.20.3(7)).
- Cabinet also has the ability to define classes of designated ski hill properties, and to make different regulations for different properties or classes (s. 20.3(8)).

Special valuation rules for designated port lands

Section 18 adds s. 20.3 to the *Assessment Act*, introducing special valuation rules for eligible designated port land. A definition of eligible designated port land is found in s. 20.3(1).

Cabinet has the authority to make regulations which:

- Designate land that is eligible (s.20.3(3)(a)).
- Prescribe the actual value (s.20.3(3)(b)).
- Set rates and formulas which determine the actual value (s.20.3(3)(c)).

These regulations may be made considering the consumer price index (s.20.3(7)).

The transitional provisions in section 48 allow this section of the Bill to be made retroactive to the 2007 tax year.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Changes in the corporate structure of BC Assessment

Sections 33 to 47 make changes to the *Assessment Authority Act* which clarify roles and responsibilities of key decision makers and adjusts lines of accountability:

The amendments create a singular position of chief executive officer (CEO) by repealing the definition of “assessment commissioner” (section 33(a)) and adding a definition for chief executive officer (section 33(b)). Section 43 repeals s.12, which had set out the powers of the commissioner. Section 44 adds s.13 (2.1) which makes the CEO responsible for general supervision and direction of operations, the authority and its staff.

A definition is also added for a “board of directors” and “director” (section 33(b)). Section 37 adds s. 5.1, which sets out the powers and duties of the board of directors, giving it the power to “manage the affairs of the Authority.” Sections 41, 44, 45 and 46 reassign many of the commissioner’s duties to the assessment authority (exercised by the board of directors) or an authorized person and require the board to appoint and specify duties for the CEO (s.13(2) and (2.1)).

The structure of the board is set out in section 42, which amends s. 11 to give Cabinet the authority to appoint up to 12 directors. Terms are up to three years (reappointments are possible). Cabinet must also appoint a director as chair (s.11 (4)) and should take regional representation into consideration (s.11 (d)).

Other Amendments of Interest

Section 2 changes the definition of “farmland” in s. 1(1) of the *Assessment Act*, so that it includes land which has been classified as such by the review panel or in an appeal.

Section 4 changes s.5 of the *Assessment Act* so that the assessor may treat contiguous parcels of land as one and assess accordingly.

Section 23 amends s.50 of the *Assessment Act* so that a property owner can appeal to the property assessment appeal board, with leave of that board, even if the owner failed to file a notice of complaint within the required time. The owner must give evidence of circumstances outside of his or her control.

Section 47 adds two sections to the *Assessment Authority Act*. Under s. 22.1, the minister responsible has the power to require the Authority to consult on any matter, specifying the persons and period within which it is to occur. The addition of s.22.2 allows Cabinet to make regulations that give policy direction to the Authority with respect to the exercise of its powers and require the Authority to comply.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Consequential Amendments

Sections 49-68 of the Act also make numerous consequential amendments to legislation relevant to local government, including the *Community Charter*, *Vancouver Charter*, *Local Government Act*, *Municipal Aid Act*, *Islands Trust Act* and *Police Act*. These changes reflect the new governance structure of the authority, removing references to the assessment commissioner and replacing them with the “British Columbia Assessment Authority.” They also, where necessary, update the definition of “farmland.”

http://www.leg.bc.ca/38th3rd/3rd_read/gov32-3.htm

S.B.C. 2007 c.13

(Sections 2 and 54 effective May 31, 2007;

Sections 4 and 17 in force by B.C. Reg. 291/2007 effective September 24, 2007; sections 12(a) and (d) and 13 in force by B.C. Reg. 221/2007 effective June 21, 2007;

Section 18 in force by B.C. Reg. 220/2007 effective June 21, 2007;

sections 23, 33-47, 49-53 and 55-68 in force by B.C. Reg. 292/2007 effective September 24, 2007.)

Bill 33**Attorney General Statutes Amendment Act**

Sponsored by Attorney General and Minister Responsible for Multiculturalism

This Act amends multiple statutes that are the responsibility of the Attorney General. It also contains a number of housekeeping items, including confirming legislative changes made by regulation and clarifying the interpretation of legislation under the Interpretation Act. Some of these housekeeping items affect local government legislation.

Clarification on the interpretation of “under” an Act

Section 69 adds s. 33(6) to the *Interpretation Act*, clarifying that if an enactment refers to a matter “under” an Act, this is to be interpreted as including regulations under that Act. Section 148 therefore amends s. 46(3)(a) of the *Local Government Act* to remove unnecessary references to regulations and bylaws. Section 194 does the same to s.15 of the *University Endowment Land Act*.

Section 201 refers to a schedule listing Acts and sections where references to “by or under” are to be eliminated and replaced with “under.” This includes numerous sections in the *Community Charter*, *Local Government Act* and *Vancouver Charter*.

Confirmation of corrections to statutes

Section 224 confirms minor changes that were made to Ministry of Community Services' statutes under BC. Reg. 337/2006. These were made to correct errors in form, style, numbering or cross-references. The specific changes made were:

- Reference updates (*Community Charter* ss. 35(3) and 263.1(1), *Local Government Act* ss. 811(5), 924(1), 930(4), and 947(3), and *Vancouver Charter* s. 317(1)(o)(ii));
- Corrections (*Greater Vancouver Sewerage and Drainage District Act* (s.6(11)), *Local Government Act* s. 926(2), and *Vancouver Charter* s. 180(1)); and
- Clarifications (*Local Government Act* s. 996(1)(b)(v)(A)).

http://www.leg.bc.ca/38th3rd/3rd_read/gov33-3.htm

S.B.C 2007 c. 14

(sections 69 and 201 in force by B.C. Reg. 354/2007 effective December 1, 2007; section 224 effect May 31, 2007.)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 34 Homeowner Protection Amendment Act, 2007**

Sponsored by Minister of Forests and Range and Minister Responsible for Housing

Bill 34 makes amendments to the Homeowner Protection Act which enhances many provisions of the Act. Significantly, it adds requirements that owner builders seeking exemption from obligations imposed by the Act be specially authorized, as well imposing more stringent constraints regarding the sale of the homes they are built. It also adds statutory protections for buyers and increases the information contained in the public registry. Other changes address licensing requirements of residential builders and enforcement powers.

Authorization of owner builders Section 14 amends s. 20 so that an owner builder must apply to the registrar, pay the prescribed fee and meet the prescribed criteria in order to be issued an authorization. This will allow them to be relieved of obligations to be licensed and purchase home warranty insurance (s. 20(3)). The registrar has the power to attach conditions to an authorization (s. 20.1(3)), and to suspend or cancel an authorization for a number of enumerated reasons (s. 20.2). Section 1 amends the definition of “owner builder” so that it means an individual who has been authorized by the registrar under s. 20.

Section 26, provides that s. 20 does not apply to homes constructed, or under construction when the application for the building permit was made on or before the date on which the amended section came into force or it did not require a building permit on or before the date on which the amended section came into force.

Stricter provisions for owner builders Section 14 adds s. 20.1 to the Act, prohibiting owner builders from selling a home during construction or in a prescribed period immediately following its completion (unless the sale is authorized by the registrar).

Section 15 expands disclosure requirements in relation to home warranty insurance. Under s. 21 owner builders, or any subsequent purchasers of the home, are required to disclose whether the home is covered by home warranty insurance (and if required by regulation, provide an alternate form of security) before selling the home during the “purchase period” (the period of time home warranty insurance would normally apply).

Expanded protection for new homeowners Section 17 expands statutory protection for purchasers by replacing s. 23 (1). This includes provisions that require vendors and builders to agree with the new owner that the new home: is free from defects in material and labour for at least 2 years; is free from defects in the building envelope (including water penetration) for 5 years; and is free from structural defects for 10 years.

Section 16 addresses the s. 22(1) requirement that home warranty insurance must be purchased. It clarifies that a home must not be sold while being constructed, or within 10 years of occupancy, without the insurance. Exceptions are made for exemptions by regulation or a finding by the registrar that the vendor would suffer undue hardship.

Qualifications of residential builders Section 9 changes s. 14 provisions regarding the licensing of residential builders, including allowing residential builders to be licensed if they have experience, training or competence equivalent to the qualifications set by regulation (s. 14(2)). The registrar may require exams to determine equivalent qualifications (s. 14(2.2)).

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Expanded public registry	Section 20 adds s. 29.5 to the Act, expanding the existing public registry previously established under s. 17. The registry must now include information about licenses, authorizations, monetary penalties, compliance orders, offences under the Act and new homes built by owner-builders.
Increased enforcement powers	Section 7 increases enforcement powers by amending s. 9 to authorize the inspection of records. Section 18 adds a Part 9.1 to the Act, which authorizes the issuance of compliance orders and stipulates what an order must include (s.28.1). It also allows the registrar to apply for a court order (s.28.2) and gives the power to impose monetary penalties in accordance with regulations (ss. 28.3 and 28.4).

http://www.leg.bc.ca/38th3rd/3rd_read/gov34-3.htm

S.B.C. 2007, c.20
(in force by B.C. Reg. 315/2007 effective November 19, 2007.)

Bill 40 **Tsawwassen First Nation Final Agreement Amendments Act, 2007**
Sponsored by the Minister of Aboriginal Relations and Reconciliation

The Tsawwassen First Nation Final Agreement Act brings into effect the agreement made between the Tsawwassen First Nation, the Province and Canada. Companion legislation includes the Final Agreements Consequential Amendment Act (Bill 41) and the First Nation Taxation Act (Bill 42). The treaty itself affects local government in many ways, including:

- *Chapter 4: Lands (e.g. specifies lands that are not included in the Agricultural Land Reserve);*
- *Chapter 16: Governance (e.g. the Tsawwassen First Nation right to self-government);*
- *Chapter 17: Intergovernmental Relations and Services (e.g. membership in the Greater Vancouver Regional District); and*
- *Chapter 20: Taxation (e.g. the Tsawwassen Government has the authority to make laws regarding taxation).*

Most of the provisions affecting local government are found in Bill 41, although there are some provisions of interest in Bill 40.

Tsawwassen First Nation's ownership of highways	Section 7(3) transfers the ownership of highways specified in the Tsawwassen First Nations Final Agreement to the government without compensation to any person. Section 7(5) provides that s. 35 of the <i>Community Charter</i> , which provides for ownership of most highways in a municipality by the municipality, does not apply to the land specified in section 7(3).
Agricultural Land Reserve	Section 9 excludes from the Agricultural Land Reserve certain lands specified in the Tsawwassen First Nations Final Agreement.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Power to Add Tsawwassen First Nation to the Greater Vancouver Water District (GVWD)	Section 10(2) provides that the membership in the GVWD and the provision of water by the GVWD to the Tsawwassen First Nation be on mutually agreed terms between the Tsawwassen First Nation and the GVWD Board or by order of the minister responsible for the <i>Greater Vancouver Water District Act</i> . If no agreement can be reached, section 10(3) allows the Tsawwassen First Nation to appeal to the minister, who may then order final and binding terms and conditions.
Tax Treatment Agreement	Section 12(2) provides that the Tax Treatment Agreement between the Tsawwassen First Nation, British Columbia and Canada is approved, declared valid, comes into effect and has the force of law. Under Chapter 20 [<i>Taxation</i>] of <i>Tsawwassen First Nations Final Agreement</i> , the Tax Treatment Agreement provides for the tax treatment of the Tsawwassen government.
Consistency with Greater Vancouver Regional District (GVRD) Regional Growth Strategy	Section 20 is a transitional provision which deems the Tsawwassen First Nation land use plan, as of the effective date of the Treaty, to be consistent with the GVRD regional growth strategy until the Tsawwassen First Nation amends or replaces their plan.
Application of <i>Municipal Finance Authority Act</i>	Section 16 stipulates that the <i>Municipal Finance Authority Act</i> does not apply in relation to Tsawwassen Lands. The implications of this are laid out in the <i>Final Agreement Consequential Amendments Act</i> .

http://www.leg.bc.ca/38th3rd/3rd_read/gov40/gov40-3.htm

S.B.C 2007, c.39

(sections 7, 9, 12, 16 and 20 in force by regulation; section 10 effective November 22, 2007.)

Bill 41**Final Agreement Consequential Amendments Act, 2007**

Sponsored by the Minister of Aboriginal Relations and Reconciliation

This Act lays out the amendments required as a result of Bill 40, the Tsawwassen First Nation Final Agreement Act. The numerous updates to local government legislation are more generic in nature, and therefore will apply to any first nations who enter into agreements. A number of Acts are amended to include the concepts of “treaty lands”, “treaty first nations” and “taxing treaty first nations”. (e.g. Assessment Act; Local Government Act.) Specific amendments of interest to local governments are as follows:

Participation in Regional Districts	Section 120 establishes how treaty first nations with land within the boundaries of a Regional District (RD), will participate in that RD. Provisions apply not only to the Tsawwassen First Nations participation in the Greater Vancouver Regional District (GVRD) (which is provided for under the Agreement in Chapter 17), but to other First Nations with agreements containing provisions for RD membership. The legislation adds Division 3.1 (Treaty First Nations and Regional Districts) to Part 24 of the <i>Local Government Act</i> .
-------------------------------------	---

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Participation would be in a manner similar to municipal members. For instance, if a final agreement provides for membership in a RD, the *Local Government Act* (and *Community Charter* to the extent it applies to RDs) applies to a treaty first nation as if it were a municipality (s. 795.11; s.795.1(1)).

There are, however, some differences in participation, as well. For example, the:

- Requisition and tax collection rules may be different (s. 795.31);
- Treaty first nations do not participate in, and are not responsible for, financing municipal undertakings (s. 795.4); and
- “Electors” for the purposes of voting on treaty first nation membership in a RD are the individuals qualified under the law of the treaty first nation.

Provisions
respecting letters
patent and
municipal
boundaries I

Section 117 adds s. 26.1 to the *Local Government Act* so that Cabinet may reduce the area of a municipality affected by a final agreement by supplementary letters patent and, if that does not occur before land within a municipality becomes treaty land or is otherwise excluded from the municipality under a final agreement, the letters patent of that municipality are deemed amended (s.26.1(2)).

Section 116 allows letters patent issued in order to give effect to a final agreement to exempt municipalities or regional districts from the requirements to publish letters patent under s. 15(1)(b).

Application of the
Building Code

Section 119 adds s. 692(4) to the *Local Government Act* to ensure that the *Building Code* applies on treaty lands of treaty first nations. If required under a treaty, the minister may enter into an agreement that enables a treaty first nation to establish building standards that differ, or are in addition to, those stipulated in the *Building Code* (s. 692(5)).

Service
agreements
within treaty
lands

Section 49 adds s. 13.1 to the *Community Charter* which enables municipalities to provide services within treaty lands by entering into an agreement with a treaty first nation. A service agreement must establish the terms and conditions under which the services are provided, including limitations on the services and the process for terminating the service agreement (s. 13.1(2)). The municipality may exercise powers, duties, and functions associated with the service within the treaty lands under such an agreement (s. 13.1(3)).

Police Act
amendments

Sections 143 to 154 amend the *Police Act* such that *Part 9.1 – Recovering Small Community Policing Costs* applies to treaty first nations. Section 146 expands the definition of “contributing area” to include treaty lands (s. 66.2). In order to raise revenue for policing and law enforcement costs from treaty lands, the government may levy a tax on those lands (s. 66.21(1)(a)). These treaty lands are also subject to the apportionment of police tax provisions, where Cabinet apportions the amount amongst the contributing areas and determines the rates to be applied to the net taxable area of the land in each area in order to recover its apportioned amount (s.66.3(3)). “Contributing areas” that are members of RDs may apply to have the amount reapportioned (s. 66.3(6)).

Different provisions apply to the treaty lands of taxing treaty first nations. In this case, Cabinet may requisition amounts from the treaty first nation (ss. 66.21(1)(b)). These requisitions must be sent to the taxing treaty first nation (s. 66.4) and are considered a debt due to government (s. 66.62).

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Section 154 amends s. 66.71 to ensure that the rules applicable to municipalities in regards to the collection of unpaid taxes and requisitions also apply to taxing treaty first nations.

A treaty first nation will not be considered a “contributing area” if it enters into an agreement with the provincial or municipal government under s. 66.2(1.1). Under such an agreement the treaty first nation will provide funding for its policing and law enforcement and the government will not levy a tax nor requisition an amount. Under such an agreement the minister is no longer responsible for providing such services on the treaty lands (s. 3(1.1)).

*Greater
Vancouver
Transportation
Authority Act
Amendments*

Section 70 provides that the treaty first nations are members of the board of the Greater Vancouver Transit Authority (GVTA).

Section 71 amends the *GVTA Act* in order to revise the taxation procedure applicable to taxing treaty first nations that are in the transportation service region. Rather than levying a tax on the treaty lands of a taxing treaty first nation, the GVTA sends the taxing treaty first nation a requisition (s. 25(5)). The amount of the requisition is calculated by applying the applicable tax rates to the net taxable value of the land in order to determine the amount that would have been raised had the authority levied a tax (s. 25(2.1)). The taxing treaty first nations are obliged to pay the requisition (s. 26(1.2)) and are subject to same consequences applicable to municipalities if they fail to pay (s. 26(7)).

Section 75 amends s. 27 of the Act by establishing that, as the treaty lands of taxing treaty first nations are exempt from school taxes, the exemptions given in the *School Act* do not apply to such treaty lands. Section 76 adds s. 27.2 of the Act in order to recreate these property tax exemptions, thereby enabling them to be subject to the same tax exemptions given to municipal land owners under the *School Act*.

*Assessment
Authority Act
amendments*

Section 28 amends s. 17 of the *Assessment Authority Act* by requiring the assessment authority to calculate the assessment costs for treaty lands of a taxing treaty first nation by applying the rates it would use if it were levying a tax. The authority must send a requisition to the taxing treaty first nation in this amount on or before April 30, which includes a statement of the applicable rates (s. 20(4.1)). The taxing treaty first nations are obliged to pay the requisition (s. 20(4.2)) and are subject to same consequences as municipalities if they fail to pay (s. 20(6)).

Sections 29 and 30 amend s. 19 of the Act to recreate the property tax exemptions given under the *School Act* (as done under s. 27 of the *GVTA Act*).

*Environmental
Management Act
amendments*

Section 56 amends s. 55 of the Act to extend the exceptions from liability given to municipalities regarding contaminated soil relocation to treaty first nations.

*Home Owner
Grant Act
amendments*

Section 90 amends s. 6.1 to render owners of treaty lands of taxing treaty first nations ineligible for the grants or supplements given under the Act.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS***Homeowner Protection Act* amendments

Section 91 amends s. 9(4)(b) to require a treaty first nation that makes laws regarding the construction or renovation of buildings on its lands to provide information to the registrar, upon request, regarding compliance with its laws. Section 93 provides a treaty first nation with immunity from the statutory protection provided in s. 23 (s. 23(6)(c)).

Section 94 amends s. 30 to prohibit a treaty first nation from issuing a building permit for a proposed new home without first receiving the specified evidence (s. 30(1)), to protect a treaty first nation from liability for relying on the specified evidence (s. 30(2)) and to require a treaty first nation to forward information provided by applicants for building permits to the registrar upon request (s. 30(3)).

Hospital District Act amendments

Sections 98 and 99 amend ss. 28 and 28.1 to recreate the property tax exemptions given under the *School Act* (as done under s. 27 of the *GVTA Act*).

Taxation (Rural Area) Act amendments

Section 175 adds s. 39(8) providing that when a treaty first nation enacts a law prohibiting the government from taking ownership of the treaty lands, the lands cannot be forfeited to the government in the event that taxes are not paid.

http://www.leg.bc.ca/38th3rd/3rd_read/gov41-3.htm

S.B.C 2007 c.36

(Sections 28-30, 49, 56, 70, 71, 75, 90, 91, 94, 98, 99, 116, 117, 119, 120, 143-154 and 175 in force by regulation.)

Bill 42**Treaty First Nation Taxation Act, 2007**

Sponsored by the Minister of Aboriginal Relations and Reconciliation

This Bill provides the framework governing property taxation by taxing treaty first nations.

Definitions

Section 1 of the *Treaty First Nation Taxation Act* defines a number of concepts that are of interest to local government. They are as follows:

- A “real property tax coordination agreement” is defined as an agreement between British Columbia and a treaty first nation that is authorized under the treaty first nation’s final agreement. It governs the treaty first nation’s authority to impose property taxes on land owned or occupied by non-treaty first nation members. It also provides for the co-ordination of the taxation system of British Columbia with the treaty first nation’s taxation authority.
- A “tax treatment agreement” is defined as an agreement between a treaty first nation, British Columbia and Canada that sets out the tax treatment of the first nation’s government under the chapter of the treaty first nation’s final agreement pertaining to taxation.
- A “taxing treaty first nation” is a treaty first nation that is a party to a real property tax co-ordination agreement and has complied with the provisions governing the intention of the treaty first nation to impose property taxes under this Act.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Intention to impose property taxes

Section 2 provides that if a treaty first nation intends to impose property taxes on non-treaty first nations members, it must enact a law giving effect to the intention and provide the Minister of Community Services with a notice giving intention and a copy of the relevant law before June 1st of the previous taxation year (s. 2(1)). However, when legislation giving effect to a treaty and land claims agreement has been passed, a real property tax coordination agreement comes into effect on the same date as the treaty and land claims agreement and the Indian band imposes taxes on its reserve lands under the authority of the *Indian Act* in the taxation year before the effective date, the band may provide notice to the Minister of Community Services by giving the minister a draft of the relevant law and notice declaring its intention to impose taxes (s. 2(2)). Where an Indian band gives notice under s. 2(2), a copy of the law giving effect to the intention must be provided within 30 days of the effective date (s. 2(3)).

In each taxation year a taxing treaty first nation must give the Minister of Community Services copies of any laws imposing property taxes, or exempting property from such taxation, in that year (s. 3(7)).

Authority to tax non-members owners and occupiers and provide exemptions

Section 3(1) states that taxing treaty first nations who have entered into a real property tax coordination agreement with British Columbia may impose property taxes on owners or occupiers of land within treaty lands, who are not members of the treaty first nation, and provide exemptions from the property taxes. Where a property is exempt from all taxation under a tax treatment agreement, except for those taxes imposed by a taxing treaty first nation, the taxing treaty first nation may exempt that property from taxation, despite the terms of a real property taxation agreement (s. 3(2)). Property taxes imposed by a taxing treaty first nation are deemed to have been imposed on January 1 of the year in which the law was enacted, unless otherwise specified (s. 3(3)).

Imposing taxation specific to a requisition

Section 3(4) provides that a taxing treaty first nation must meet certain requirements when imposing property taxes specific to a requisition under the *Assessment Authority Act*, the *Greater Vancouver Transportation Authority Act*, or the *Police Act*. For the purposes of such a requisition, taxable and exempt land are treated the same as under the applicable Act (ss. 3(4)(d) and (e)) and the same tax rates used to determine the amount of the requisition must be applied to the net taxable value of the land and improvements in each property class on the treaty lands (s. 3(f)). When imposing such a tax, the treaty first nation must give a notice to the taxpayer stating the amount of taxes imposed and the taxation rate (s. 3(5)).

Section 3(6) provides that if a municipality would be entitled to an administrative fee for collecting taxes under the specified statute, a taxing treaty first nation imposing taxation specific to a requisition is also entitled to such a fee. The provisions of the applicable statute relating to the administration fee apply to the taxing treaty first nation in the same way that they apply to a municipality.

Property tax exemptions

Section 4 provides that land or improvements within a taxing treaty first nation's treaty lands are exempt from taxation under the *School Act* and s. 2(1) of the *Taxation (Rural Area) Act*.

http://www.leg.bc.ca/38th3rd/3rd_read/gov42-3.htm

S.B.C 2007 c.38
(Sections 1, and 3-5 in force by regulation)

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS****Bill 43 Greater Vancouver Transportation Authority Amendment Act, 2007***Sponsored by the Minister of Transportation*

This legislation renames the Greater Vancouver Transportation Authority Act and changes the organization and structure of the Authority, focusing on governance and accountability, including creating the Mayors' Council on Regional Transportation and the office of Commissioner and restructuring the Board of Directors.

Name of Act and Authority changed	<p>Section 1 repeals the title of the <i>Greater Vancouver Transportation Authority Act</i> renaming it the <i>South Coast British Columbia Transportation Authority Act</i>.</p> <p>Section 6 repeals the names of the Greater Vancouver Transportation Authority and the Greater Vancouver Transportation Authority Police Board, renaming them the South Coast British Columbia Transportation Authority (s. 2(1.1)) and South Coast British Columbia Transportation Authority Police Board (s. 2(1.2)) respectively.</p>
Mayor's Council on Regional Transportation	<p>Section 31 adds <i>Part 10 – Mayors' Council on Regional Transportation</i>, creating a body consisting of the mayor of each municipality in the transportation service region (s. 208). The mayors' council oversees the management of the Authority by appointing the members of the board of directors (s. 177), the commissioner and deputy commissioner(s) (s. 215(1)), receiving the Authority's long term strategies (s. 193(2)) and short term base plans (s. 204(a)) and approving the Authority's supplemental plans (s. 204(b)).</p> <p>In order to fulfil its supervisory role, the mayors' council must ratify changes to certain revenue measures before they can come into effect. This includes changes to bylaws assessing taxes on parking rights (s. 30.1) and imposing additional fuel taxes (s. 27.1). In addition, the mayors' council assumes the ratification and consultation functions that were performed by the Greater Vancouver Regional District (GVRD). This requires the mayors' council to:</p> <ul style="list-style-type: none"> • Consult with the Authority on standards of major road networks and regional service expansion agreements (s.15(5)); • Approve or ratify the Authority's proposed actions (s. 16(1)); • Ratify revenue measures specified in s. 29 of the Act (s. 29(5)); and • Ratify designated toll charges (s. 29.1(5)). <p>However, the mayors' council does not have to ratify changes to revenue measures where the changes do not increase the amount collected (ss. 15(4)(a), 25(4)(b), 29(6), 29.1(6), 133(6)(b) and 157(2)(a)).</p>
Commissioner	<p>Section 31 adds <i>Part 11 – Regional Transportation Commission</i> which establishes the offices of the regional transportation commissioner and deputy commissioner. The commissioner serves to regulate the Authority by exercising a variety of powers including approving fare changes (s. 223), undertaking customer satisfaction surveys (s. 224), dealing with the complaints process (s. 225) and the sale of major facilities or assets (s. 226) and reviewing the financial feasibility of the base and supplemental plans (s. 203).</p>

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Board of
Directors

Section 31 adds *Part 8 – Directors* to the Act which restructures the board of directors, providing for the composition of the board, the selection process for directors, the terms of appointment and the responsibilities of the board. A screening panel must be formed (s.172) who will recommend to the mayors' council 15 individuals whom the panel considers to be qualified to act as directors (s. 176). The mayors' council will then appoint the nine directors from this pool of individuals (s. 177). The board has numerous responsibilities including appointing the chief executive officer (CEO) for the Authority, supervising its management, exercising and delegating its powers and duties and establishing or acquiring subsidiaries to carry out the functions of the Authority (s. 190).

Planning
Requirements

Section 31 adds *Part 9 – Planning Requirements* to the Act. This part sets out requirements for the preparation and approval of the short and long term strategic plans of the Authority.

The Authority must create a long term strategy, for at least 30 years, that describes the Authority's goals and objectives, key initiatives, and principles (s. 193(1)). In developing this plan the Authority must take several factors into consideration, including regional environmental and land use objectives (s. 193(3)). It must also consult with a variety of entities, including the GVRD and municipalities in, or adjacent to, the transportation service region, during the preparation of such a plan (s. 193(5)).

The Authority must develop 10 year base plans which describe how the Authority will provide transportation services within its financial resources (s. 194(2)). In addition to these plans, the Authority may prepare supplemental plans addressing any proposed changes to the base plan or new initiatives (s. 200). Such plans must contemplate regional environmental and land use objectives (s. 201(1)). In developing such plans there must be consultation with a variety of entities, including the GVRD and any municipality that will be affected (s. 15).

Record and
meeting
requirements

Section 12 adds *Division 2- Records and Reports* to the Act that governs the production and maintenance of the Authority's records. The Authority is required to establish and maintain a publicly accessible website (s. 13.2), ensure that its records pertaining to its operation and management are housed in its head office and are available for public inspection (s. 13.3), include specified information and materials in its annual report (s. 13.4) and produce information requested by the commissioner (s. 13.5).

Section 11 adds s. 13.1 providing that the Authority must hold an annual general meeting that is open to the public. The Authority must make the annual report available in advance of the meeting (s. 13.1(3)) and provide copies for those in attendance (s. 13.1(5)).

Expanding the
service region

Section 3 amends s. 1(3) to provide that an agreement to add an area to the transportation service region only comes into effect once the mayors' council and the body that has jurisdiction over that area has ratified the agreement and Cabinet has given its approval. The amendments also allow the transportation services and revenue measures contained in the agreement to be phased in over a period of ten years or less (s. 1(4)).

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Purpose of the Authority	Section 7 amends s. 3(b) of the Act expanding the purpose of the Authority to include supporting provincial and regional environmental objectives. This specifically includes air quality and greenhouse gas emission reduction objectives.
Powers of the Authority	<p>Section 8 amends s. 6 to give the Authority new powers, enabling it to:</p> <ul style="list-style-type: none"> • Acquire property that is not immediately needed to carry out the Authority's current plans (s. 6(2)(a.1)); • Hold, manage, develop, and dispose of land (s. 6(2)(a.2)); • Provide transportation services in areas that are not a part of the transportation service region without entering into an agreement (s. 6(2)(d)); • Exercise powers over major crossings in municipalities that are the same as the powers that a municipality may exercise over highways (s. 6(g.1), 6(h.1), and 6(j)); • Exercise powers over major crossings that are the same as the powers that the Authority has over designated projects under s. 6 of the Act (s. 6(3)); and • Exercise powers over busways that are the same the powers that the Authority has over rail transportation systems (s. 6).
Borrowing by Authority	Section 22 amends s. 31(1) to allow for an increase in the borrowing limits for the Authority. The limits must be proposed in a supplement to be approved by the mayors' council (s. 31(1)(c)). However, the mayors' council cannot give such approval until it has consulted with the GVRD board of the directors (s. 31(1.1)). The GVRD and municipalities in the transportation service regions are liable with the Authority for its increased borrowing (s. 31(1.2)).
Power to exempt from taxation	Section 23 amends s. 34(3)(a) enabling Cabinet to exempt those who acquire or use lands for busways or major crossings from taxation under several statutes. The statutes that are most relevant to local government are the <i>Municipal Finance Authority Act</i> , the <i>Community Charter</i> , the <i>Local Government Act</i> , and the <i>Vancouver Charter</i> .
Property taxation	Section 17 amends s. 25 of the Act which governs property taxation. This amendment provides that the variable tax rate system is applicable to any changes in property taxation rates. Under this system, the ratio between the tax rates on non-residential property and residential property must come within the limits specified in the <i>Hospital District Act</i> . Section 17 also adds s. 25(7.1), enabling the Authority to generate annual additional property tax revenue of up to \$18 million from specified property classes.
Imposition of additional fuel taxation	Section 18 adds s. 27.1 which allows the Authority to impose an additional fuel tax of up to \$0.03 per litre by bylaw (s. 27.1(2)). Before the bylaw can be passed, the fuel tax must be proposed in a supplemental plan, reviewed by the commissioner to determine that it comes within the specified financial constraints and approved by the mayors' council (s. 27.1(3)).

PART B

OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Expansion of designated tolling	Section 20 expands s. 29.1 to permit charging tolls for major crossings in the same way in which tolls are charged for designated projects.
Prohibition of parking site taxation	Section 27 amends s. 133 prohibiting the Authority to impose parking site taxes after the 2007 taxation year. The Authority must continue to maintain the parking site rolls completed in or before 2006 (s. 134).
Reference updates in other acts	Sections 59, 69, and 73-75 make consequential amendments that update references in several Acts relevant to local government, including the <i>Community Charter</i> , the <i>Islands Trust Act</i> and the <i>Local Government Act</i> .

http://www.leg.bc.ca/38th3rd/3rd_read/gov43-3.htm

S.B.C 2007 c.14

(Sections 1, 3, 6-8, 11, 12, 17, 18, 20, 22, 23, 27, 31, 59, 69, and 73-5 in force by B.C. Reg 399/2007 effective November 20, 2007; Sections 34, 35, 37 and 38 effective January 1, 2008.)

Bill 45

Maa-nulth First Nation Final Agreement Amendments Act, 2007

Sponsored by the Minister of Aboriginal Relations and Reconciliation

The Maa-nulth First Nation Final Agreement Act brings into effect the agreement made between the Maa-nulth First Nation, the Province and Canada. The treaty itself affects local government in many ways, including:

- *Chapter 13: Governance (e.g. the Maa-nulth First Nation right to self-government);*
- *Chapter 14: Regional Government (e.g. membership in applicable Regional Districts); and*
- *Chapter 19: Taxation (e.g. the Maa-nulth Government has the authority to make laws regarding taxation).*

There are several provisions in Bill 45 that are of interest to local government.

Participation in regional hospital district	Section 9(1) provides that residents and property owners of Maa-nulth First Nation lands may participate in a regional hospital district until the Maa-nulth First Nation is a member of a regional district. Section 9(2) requires a Maa-nulth First Nation that is a member of a regional district to participate in a regional hospital district as a member, in respect to its lands that are within both the regional district and regional hospital district.
Tax Treatment Agreement	Section 11(2) provides that the Tax Treatment Agreement between the Maa-nulth First Nation, British Columbia, and Canada is approved, valid, and has the force of law. Under Chapter 19 [<i>Taxation</i>] of Maa-nulth First Nations Final Agreement, the Tax Treatment Agreement provides for the tax treatment of the Maa-nulth government.

PART B**OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS**

Application of
*Municipal
Finance Authority
Act*

Section 15 stipulates that the *Municipal Finance Authority Act* does not apply in relation to Maa-Nulth First Nations Treaty Lands.

Consequential
amendments

Section 27 amends the *Local Government Act* heading of the *Final Agreement Consequential Amendments Act, 2007* by adding s. 120.1. This section provides that when a service is established and operated in the treaty lands of a treaty first nation that is outside of the regional district of which the treaty first nation is a member, the requirement for consent for the provision of such services, under ss. 796(1)(a) and (4)(a) is disappplied (s. 795.42(1)). The treaty lands receiving the service must be treated as on a participating area, if the service is provided both inside and outside the regional district (s. 795.42(2)).

Foreshore
Agreements

S. 795.5 sets out the terms of foreshore agreements between the government and treaty first nations. Such agreements enable the government to delegate law making authority regarding a specified area of foreshore to a treaty first nation (s. 795.5(1)). Under an agreement, a treaty first nation may make and enforce laws regarding the specified foreshore in the same manner as municipalities (ss. 795(2)(a) and (b)). If a treaty first nation has not enacted any laws under such an agreement by the date it comes into effect, the bylaws of the applicable regional district are deemed to have been enacted by the treaty first nation, are enforceable and may be amended or repealed (ss. 795(4)(a) to (c)). However, when a treaty first nation has entered into a foreshore agreement, a regional district may not make or enforce laws regarding the specified foreshore (s. 795.5(3)(a)) and its bylaws do not apply to the specified foreshore except under the circumstances set out in s. 795.5(4) (s. 795.5(b)).

http://www.leg.bc.ca/38th3rd/3rd_read/gov45/gov45-3.htm

S.B.C 2007 c. 43
(sections 9, 11, 15 and 27 in force by regulation)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

PART C – Index of Amendments to Local Government Legislation

<u>Affected Act</u>	<u>Section</u>	<u>Amending Bill</u>
Community Charter	s. 4	[language update; consequential] 33 (s. 201)
	s. 8	[language update; consequential] 33 (s. 201)
	s. 9	[language update; consequential] 33 (s. 201)
	s. 11	[language update; consequential] 33 (s. 201)
	s. 13	[language update; consequential] 33 (s. 201)
	s. 13	[reference update; consequential] 41 (s. 48)
	s. 13.1	[services within treaty lands] 41 (s. 49)
	s. 25	[language update; consequential] 33 (s. 201)
	s. 35	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential] 36 (s. 59)
	s. 36	[language update; consequential] 33 (s. 201)
	s. 36	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential] 36 (s. 61)
	s. 84	[language update; consequential] 33 (s. 201)
	s. 85	[language update; consequential] 33 (s. 201)
	s. 114	[language update; consequential] 33 (s. 201)
	s. 115	[language update; consequential] 33 (s. 201)
	s. 116	[language update; consequential] 33 (s. 201)
	s. 165	[contents of municipal financial plan; revenue objectives and policies] 35 (s. 1)
	s. 172	[language update; consequential] 33 (s. 201)

PART C**INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION**

	s. 173	[language update; consequential]	33	(s. 201)
	s. 174	[language update; consequential]	33	(s. 201)
	s. 176	[language update; consequential]	33	(s. 201)
	s. 192	[language update; consequential]	33	(s. 201)
	s. 193	[language update; consequential]	33	(s. 201)
	s. 197	[language update; consequential]	33	(s. 201)
	s. 197	[considerations for annual property tax bylaws]	35	(s. 2)
	s. 201	[language update; consequential]	33	(s. 201)
	s. 221	[reference update]	32	(s. 51)
	s. 224	[reference update]	32	(s. 52)
	s. 226	[revitalization tax exemptions]	35	(s. 3)
	s. 227	[notice for permissive tax exemptions]	35	(s. 4)
	s. 244	[application of tax payments extension; <i>Police Act</i> ; consequential]	12	(s. 9)
	s. 265	[correction of language]	11	(s. 1)
	s. 269	[reference update; consequential]	11	(s. 2)
	s. 270	[failure to appear at a hearing for a ticket in a bylaw offence; deemed conviction]	11	(s. 3)
	s. 271	[failure to respond to a ticket for a bylaw offence; deemed conviction]	11	(s. 4)
	s. 273	[reference update; consequential]	11	(s. 5)
	s. 204	[language update; consequential]	33	(s. 201)
Community Charter Schedule	s. 1	[amends definition; “net taxable value”]	41	(s. 50)
	s. 1	[reference update; South Coast British Columbia Transportation Authority; consequential]	43	(s. 61)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

	s. 1	[repeals definition; “assessment commissioner”]	35	(s. 53)
	s. 1	[amends definition; “farm land”]	35	(s. 54)
Islands Trust Act	s. 47	[reference update]	32	(s. 61)
	s. 49.3	[tax exemption; <i>Police Act</i> ; consequential]	12	(s. 43)
	s. 49.3	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 69)
Local Government Act	s. 4	[“regulatory service”; language update; consequential]	33	(s. 201)
	s. 5	[language update; consequential]	33	(s. 201)
	s. 5	[adds definition; “resort region”]	11	(s. 14)
	s. 5	[adds definition; “financial plan”]	35	(s. 41)
	s. 5	[amends definitions: “director”, “participant”, “participating area”, “requisition”; adds definitions: “taxing treaty first nation”, “treaty first nation director”, “treaty first nation participating area”]	41	(s. 115)
	s. 6.8	[designation of an area as a resort region]	11	(s. 15)
	s. 11	[ministerial authority; incorporation of mountain resort municipalities]	11	(s. 16)
	s. 11.1	[language update; consequential]	33	(s. 201)
	s. 13	[letters patent of a mountain resort municipality]	11	(s. 17)
	s.15	[letters patent publication requirements]	41	(s.116)
	s.26.1	[municipal boundaries affected by treaty first nation final agreement]	41	(s.117)
	s. 38	[language update; consequential]	33	(s. 201)
	s. 102	[language update; consequential]	33	(s. 201)
	s. 109	[language update; consequential]	33	(s. 201)

PART C**INDEX OF AMENDMENTS TO LOCAL GOVERNMENT
LEGISLATION**

s. 112	[language update; consequential]	33	(s. 201)
s. 133	[language update; consequential]	33	(s. 201)
s. 150	[language update; consequential]	33	(s. 201)
s. 153	[language update; consequential]	33	(s. 201)
s. 155	[language update; consequential]	33	(s. 201)
s. 163	[language update; consequential]	33	(s. 201)
s. 165	[language update; consequential]	33	(s. 201)
s. 175	[language update; consequential]	33	(s. 201)
s. 176	[language update; consequential]	33	(s. 201)
s. 287.2	[reference update; <i>Public Inquiry Act</i> , consequential]	6	(s. 37)
s.301.2	[application of immunity provisions to treaty first nations]	41	(s.118)
s.692	[building code application to treaty first nations]	41	(s.119)
s. 732	[ministerial authority to recommend the incorporation of mountain resort improvement districts]	11	(s. 18)
s. 791	[voting rules; consequential]	11	(s. 19)
s. 795.1	[interpretation]	41	(s. 120)
s. 795.11	[treaty first nation membership in regional district]	41	(s. 120)
s. 795.12	[regional district letters patent and treaty lands]	41	(s. 120)
s. 795.2	[treaty first nations directors]	41	(s. 120)
s. 795.21	[term of office of treaty first nation director]	41	(s. 120)
s. 795.22	[alternate treaty first nation director]	41	(s. 120)
s. 795.3	[treaty first nation electors for regional district services]	41	(s. 120)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

s. 795.31	[tax base; requisition and collection of funds for treaty lands]	41	(s. 120)
s. 795.32	[tax base; requisition and collection of funds for treaty lands of taxing treaty first nations]	41	(s. 120)
s. 795.4	[treaty first nations and regional district financing]	41	(s. 120)
s. 795.41	[services to treaty first nation members]	41	(s. 120)
s. 796	[language update; consequential]	33	(s. 201)
s. 797.5	[language update; consequential]	33	(s. 201)
s. 804	[language update; consequential]	33	(s. 201)
s. 804.11	[exclusion of property under creditor protection from apportionment]	11	(s. 20)
s. 804.2	[reference update]	32	(s. 62)
s. 848	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 73)
s. 857	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 74)
s. 868	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 75)
s. 881	[language update; consequential]	20	(s. 44)
s. 890	[reference update; consequential]	11	(s. 23)
s. 901	[Board of Variance; phased development agreements added; consequential]	11	(s. 23)
s. 905.1	[phased development agreements]	11	(s. 23)
s. 905.2	[term and assignment of phased development agreements]	11	(s. 23)
s. 905.3	[process for phased development agreements bylaws]	11	(s. 23)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

s. 905.4	[amendments to phased development agreements]	11	(s. 23)
s. 905.5	[information that must be available for public inspection]	11	(s. 23)
s. 911	[non-conforming use; phased development agreements; consequential]	11	(s. 24)
s. 919.1	[designation of development permit areas in resort regions]	11	(s. 25)
s. 920	[reference update; consequential]	11	(s. 26)
s. 922	[development variance permits; phased development agreements; consequential]	11	(s. 27)
s. 933	[imposition of development cost charges in a resort region]	11	(s. 28)
s. 935	[use of development cost charges in a resort region; employee housing]	11	(s. 29)
s. 937	[approval for development cost charge bylaws in resort regions]	11	(s. 30)
s. 937.2	[language update; consequential]	20	(s. 44)
s. 937.3	[language update; consequential]	20	(s. 44)
s. 937.4	[language update; consequential]	20	(s. 44)
s. 937.5	[language update; consequential]	20	(s. 44)
s. 937.6	[language update; consequential]	20	(s. 44)
s. 937.7	[language update; consequential]	20	(s. 44)
s. 937.8	[language update; consequential]	20	(s. 44)
s. 937.9	[language update; consequential]	20	(s. 44)
s. 937.91	[language update; consequential]	20	(s. 44)
s. 946.2	[correction]	11	(s. 31)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

	s. 979	[language update; consequential]	33	(s. 201)
	s. 980	[language update; consequential]	33	(s. 201)
	s. 981	[language update; consequential]	33	(s. 201)
	s. 1030	[language update; consequential]	33	(s. 201)
Mountain Resort Associations Act		The title is repealed and replaced with <i>Resort Associations Act</i> .		
	s. 1	[definition update; “resort promotion area”]	11	(s. 34)
	s. 2	[establishment of a resort promotion area]	11	(s. 36)
	s. 3	[reference update]	11	(s. 37)
	s. 9	[terminology update; consequential]	11	(s. 38)
	s. 10.1	[continuation of resort associations and mountain resort areas]	11	(s. 39)
Municipal Aid Act	s. 2	[reference update]	32	(s. 63)
Municipalities Enabling and Validating Act (No. 2)	s. 45	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 86)
Municipalities Enabling and Validating Act (No. 3)	s. 16	[reference update; <i>South Coast British Columbia Transportation Authority Act</i> ; consequential]	43	(s. 87)
	s. 21	[validation of land use bylaws; Juan de Fuca electoral area]	11	(s. 40)
Vancouver Charter	s. 11	[language update; consequential]	33	(s. 201)
	s. 74	[language update; consequential]	33	(s. 201)
	s. 81	[language update; consequential]	33	(s. 201)

PART C	INDEX OF AMENDMENTS TO LOCAL GOVERNMENT LEGISLATION
---------------	--

s. 84	[language update; consequential]	33	(s. 201)
s. 105	[language update; consequential]	33	(s. 201)
s. 122	[language update; consequential]	33	(s. 201)
s. 125	[language update; consequential]	33	(s. 201)
s. 127	[language update; consequential]	33	(s. 201)
s. 135	[language update; consequential]	33	(s. 201)
s. 136.1	[language update; consequential]	33	(s. 201)
s. 177	[barrister's powers]	6	(s. 106)
s. 177.1	[contempt proceeding for uncooperative person]	6	(s. 106)
s. 180	[reference update; <i>Public Inquiry Act</i> , consequential]	6	(s. 41)
s. 219	[contents of annual financial estimates; revenue objectives and policies]	35	(s. 45)
s. 242	[borrowing energy utility; consequential]	11	(s. 41)
s. 277.1	[appeals from decisions relating to chauffer licence suspensions]	11	(s. 42)
s. 300.1	[establishment and operation of an energy utility system]	11	(s. 43)
s. 333B	[reference update; consequential]	11	(s. 44)
s. 335	[language update; consequential]	33	(s. 201)
s. 373	[considerations when adopting annual property tax rates bylaws]	35	(s. 46)
s. 374	[reference update]	32	(s.66)
s. 396	[reference update; consequential]	11	(s. 45)
s. 396	[user fees; energy utility system; consequential]	32	(s. 67)
s. 396E	[revitalization tax exemptions]	35	(s. 47)

PART C**INDEX OF AMENDMENTS TO LOCAL GOVERNMENT
LEGISLATION**

s. 409	[reference update; consequential]	11	(s. 46)
s. 421A	[language update; consequential]	20	(s. 44)
s. 482.1	[ticket offences]	11	(s. 47)
s. 482.2	[penalties in relation to ticket offences]	11	(s. 47)
s. 482.3	[laying information and serving tickets]	11	(s. 47)
s. 482.4	[choice of paying fine or disputing ticket]	11	(s. 47)
s. 482.5	[effect of paying fine]	11	(s. 47)
s. 482.6	[hearing of dispute]	11	(s. 47)
s. 482.7	[failure to appear at hearing]	11	(s. 47)
s. 482.8	[failure to respond to ticket]	11	(s. 47)
s. 482.9	[time extensions if person not at fault in failing to respond or appear]	11	(s. 47)
s. 482.91	[regulations in relation to ticket offences]	11	(s. 47)
s. 562.1	[language update; consequential]	20	(s. 44)
s. 604	[language update; consequential]	33	(s. 201)
s. 605	[language update; consequential]	33	(s. 201)
s. 606	[language update; consequential]	33	(s. 201)

Local Government Policy and Research Branch

Mailing address:

PO Box 9847 Stn Prov Govt
Victoria BC V8W 9T2

Location:

6th Floor 800 Johnson St

Local Government Department website:

<http://www.cserv.gov.bc.ca/lgd/>

Summary of Legislation website:

http://www.cserv.gov.bc.ca/lgd/policy_research/legislation.htm#annual