Government Bill

Second Session, Forty-second Parliament
70 Elizabeth II, 2021
Legislative Assembly of British Columbia

BILL 11

MISCELLANEOUS STATUTES AMENDMENT ACT, 2021

Honourable David Eby
Attorney General and Minister Responsible for Housing

Explanatory Notes

SECTION 1: ***[COVID-19 Related Measures Act, section 3]***

- provides that the Lieutenant Governor in Council may specify a different repeal date for specified COVID-19 provisions;
- changes the date by which a COVID-19 provision must be repealed;
- updates cross-references.

SECTION 2: ***[COVID-19 Related Measures Act, section 4]***

- provides that specified reports may be combined and states which minister may make a combined report;
- provides that a report must be made within 5 business days from the date a relevant order or regulation is made.

ATTORNEY GENERAL AND MINISTER RESPONSIBLE FOR HOUSING

BILL 11 – 2021

MISCELLANEOUS STATUTES AMENDMENT ACT, 2021

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

PART 1 – ATTORNEY GENERAL AMENDMENTS

COVID-19 Related Measures Act

1 Section 3 (6) and (7) of the COVID-19 Related Measures Act, S.B.C. 2020, c. 8, is repealed and the following substituted:

(6) The Lieutenant Governor in Council may, before a COVID-19 provision is repealed under this section, specify by regulation a different date on which the COVID-19 provision is to be repealed, and if a different date is so specified, the COVID-19 provision is repealed on that specified date.

(7) The Lieutenant Governor in Council may not specify a date

(a) for the purposes of subsection (5) (c) that is later than December 31, 2021, and

(b) for the purposes of subsection (6) that would have retroactive effect or that is later than December 31, 2021.

2 Section 4 is amended

(a) by adding the following subsection:

(0.1) In this section, **"business day"** means a day other than a Saturday or a holiday. ***,***

(b) in subsections (1) and (2) by striking out "The minister responsible***" and substituting "***Subject to subsection (2.1), the minister responsible***",***

SECTION 2: ***[COVID-19 Related Measures Act, section 4 – continued]***

SECTION 3: ***[COVID-19 Related Measures Act, section 7]***

- changes the date of repeal of specified provisions of the Act;
- sets a date for the repeal of the section.

SECTION 4: ***[Family Law Act, section 1]*** amends the definition of "family violence" to clarify that family violence does not need to include an intent to harm a family member.

SECTION 5: ***[Family Law Act, various sections]*** updates references to the Provincial Court Family Rules.

SECTION 6: ***[Residential Tenancy Act, section 45.1]*** amends the definition of "household violence" to clarify that household violence does not need to include an intent to harm a tenant or occupant.

SECTION 7: ***[Employment Standards Act, section 52.5]*** amends the definition of "domestic or sexual violence" to clarify that domestic or sexual violence does not need to include an intent to harm an intimate partner or family member.

(c) by adding the following subsection:

(2.1) If the report required under subsection (2) is in relation to a regulation referred to in section 3 (5) (c) or (8) (b),

(a) the report may be combined with the report required under subsection (1) of this section, and

(b) the combined report may be made by either minister or by both ministers. ***, and***

(d) in subsection (3) (b) by striking out "5 days***" and substituting "***5 business days***".***

3 Section 7 is repealed and the following substituted:

Repeal

7 Sections 1 to 5 and this section are repealed on December 31, 2021.

Family Law Act

4 Section 1 of the Family Law Act, S.B.C. 2011, c. 25, is amended in the definition of* "family violence" *by adding ", with or without an intent to harm a family member,***" after "***includes***".***

5 Sections 51 (2), 200 (1) and (2), 208 (4), 212 (1) and 213 (1) (a) (ii) are amended by striking out "Provincial Court (Family) Rules***" and substituting "***Provincial Court Family Rules***".***

Residential Tenancy Act

6 Section 45.1 (1) of the Residential Tenancy Act, S.B.C. 2002, c. 78, is amended in the definition of* "household violence" *by adding ", with or without an intent to harm a tenant or occupant,***" after "***means violence***".***

Related Amendments

Employment Standards Act

7 Section 52.5 (1) of the Employment Standards Act, R.S.B.C. 1996, c. 113, is amended in the definition of* "domestic or sexual violence" *by adding ", with or without an intent to harm an intimate partner or family member,***" after "***includes***".***

SECTION 8: ***[Confirmation of statutes correction regulations]*** validates B.C. Regs. 111/2021 and 118/2021 and confirms and gives continuing effect to the corrections made to the *Residential Tenancy Act* and the *Attorney General Statutes (Vehicle Insurance) Amendment Act, 2020* in respect of reference errors.

SECTION 9: ***[Clean Energy Act, Schedule 1]*** removes Burrard Thermal from the list of heritage assets in Schedule 1 to the Act.

SECTION 10: ***[Motor Vehicle Act, section 26]***

- replaces gendered language with gender-neutral language;
- removes references to repealed statutes;
- provides that there can be a refusal to issue a driver's licence for indebtedness to the government for the failure to pay a fine imposed as a result of a conviction under the *COVID-19 Related Measures Act* and the *Emergency Program Act*.

SECTION 11: ***[Motor Vehicle Act, section 26]*** replaces gendered language with gender-neutral language.

Validation and Confirmation Provisions

Confirmation of statutes correction regulations

8 The following regulations are validated and the corrections made by those regulations are confirmed and given continuing effect:

(a) B.C. Reg. 111/2021;

(b) B.C. Reg. 118/2021.

PART 2 – ENERGY, MINES AND LOW CARBON INNOVATION AMENDMENTS

Clean Energy Act

9 ***Schedule 1 to the Clean Energy Act, S.B.C. 2010, c. 22, is amended by striking out*** **"**Burrard Thermal***".***

PART 3 – PUBLIC SAFETY AND SOLICITOR GENERAL AMENDMENTS

Motor Vehicle Act

10 ***Section 26 (1) (c) of the Motor Vehicle Act, R.S.B.C. 1996, c. 318, is amended***

(a) by striking out "his or her failure***" and substituting "***the person's failure***",***

(b) by repealing subparagraphs (v) and (vi) and substituting the following:

(v) the *Transportation Act*,

(vi) the *Passenger Transportation Act*, **,**

(c) in subparagraph (x) by striking out "or***", and***

(d) by adding the following subparagraphs:

(xii) the *COVID-19 Related Measures Act*, whether the indebtedness arose before or after this subparagraph comes into force, or

(xiii) the *Emergency Program Act*, whether the indebtedness arose before or after this subparagraph comes into force, **.**

11 ***Section 26 (1) (h) is amended by striking out "***his or her failure***" and substituting "***the person's failure***".***

SECTION 12: ***[Motor Vehicle Act, section 26]***

- replaces gendered language with gender-neutral language;
- provides that there can be a refusal to issue a permit, a licence and corresponding number plates for indebtedness to the government for the failure to pay a fine imposed as a result of a conviction under the *Off-Road Vehicle Act*, the *COVID-19 Related Measures Act* and the *Emergency Program Act*.

12 Section 26 (3) is amended

(a) by striking out "his or her failure***" and substituting "***the person's failure***", and***

(b) by repealing paragraph (d) (ii) and substituting the following:

(ii) an enactment referred to in subsection (1) (c) (ii) to (xiii) of this section, or **.**

Commencement

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

Item	Column 1 **Provisions of Act**	Column 2 **Commencement**
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 1	July 10, 2020
3	Sections 10 to 12	July 1, 2021

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