



MEMORANDUM

DATE: June 1, 2012

From: Stuart Rennie, Legislation and Law Reform Officer

RE: **NOTABLE BILLS FROM THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA**

INTRODUCTION

My last briefing to you was May 18, 2012.

The Legislature was on break from May 19 to May 27, 2012.

This briefing covers May 28 to May 31, 2012 where the government introduced the:

- *New Housing Transition Tax and Rebate Act* (Bill 56); and
- *Supply Act 2012-2013* (Bill 55).

Copies of the Bills are available from the Internet (<http://www.leg.bc.ca/>) or from me, Stuart Rennie, Legislation and Law Reform Officer (Email: srennie@bccba.org or Tel.: (604) 949-1490).

The Legislative Assembly ended its Spring session on May 31, 2012.

The next scheduled sitting of the Legislative Assembly is October 1 to November 29, 2012.

NEW HOUSING TRANSITION TAX AND REBATE ACT (BILL 56)

Amended: None

Transitional
Provisions: Regulation

Statutes
Repealed: None

Summary: Bill 56 set outs transitional rules for newly built residential housing in anticipation of the government's legislation to move from the 12% Harmonized Sales Tax (HST) back to the 7% Provincial Sales Tax (PST).

The transition tax and rebate are effective after March 31, 2013 and before April 1, 2015.

Bill 56 has 9 Parts.

Part 1 lists definitions. Part 1 also provides that the Act applies to applicable First Nations law. Part 1 lists what Canadian provisions apply to the Act.

Part 2 imposes 2% tax on purchases of new housing that are not subject to HST and where construction is at least 10 percent complete before April 1, 2013.

Part 3 provides for rebates for suppliers (builders) of materials for PST payable with the intent that there be no double taxation for residential home purchasers.

Part 3 also provides for rebates regarding the Nisga'a Nation Taxation Agreement and treaty First Nation tax treatment agreements. The limitation for a rebate and an action regarding a rebate must be made no later than 2 years after the date on which the amount claimed was paid.

Part 4 provides for information requirements for residential home purchase agreements before the Act comes into force and before April 1, 2015, so that vendors must include information required by regulation is included in the these agreement.

Part 5 provides for the collection and remittance of tax, including filing of returns. Suppliers have a right to sue for tax that a recipient does not remit to government.

Part 6 sets out miscellaneous provisions, including:

- application of Canadian provisions;
- amalgamations;
- winding-up;
- partnerships;
- joint ventures;
- anti-avoidance; and
- appropriation.

Part 7 provides for administration and enforcement. The Canada Revenue Agency, by agreement, will administer the programs under the Act on behalf of the BC government. The Act requires returns to be filed and penalties and interest for non-compliance of the Act. Part 7 requires records to be kept and the application of Canadian provisions regarding: inspections, documents, warrants and privilege.

Part 7 also provides for assessments, objections and appeals. The limitation period for assessments is 4 years after the return is due, date return is filed, date tax payable or when liability for tax is due, as specified. Appeals are to the Supreme Court of British Columbia. Part 7 also has provisions regarding collection, offences, evidence and procedure.

Part 8 permits administrative agreements to be made between the BC government and the Canadian government.

Part 9 permits regulations to be made.

In Force: By regulation

RELATED INFORMATION

The government has published a press release and backgrounders:

http://www2.news.gov.bc.ca/news_releases_2009-2013/2012FIN0032-000759.htm

The government maintains a website and has published new information regarding new home purchases:

http://www.pstinbc.ca/buying_goods/buying_a_home/new_home_purchases

SUPPLY ACT, 2012-2013 (BILL 55)

Amended: None

Transitional

Provisions: None

Statutes

Repealed: None

Summary: Bill 55 provides money supply for government programs for the 2012-2013 fiscal year. Bill 55 also provides necessary funds to be paid out of the consolidated revenue towards defraying the charges and expenses of the public service of the province for the fiscal year ending March 31, 2013.

In Force: On Royal Assent May 31, 2012

LIST OF NOTABLE GOVERNMENT BILLS

In the Spring Session from February 14 to May 31, 2012, the BC Legislature amended previously introduced bills, introduced new bills and passed bills for a total of 37 bills.

Note that the government did not introduce a Bill 29 nor a Bill 42.

All Bills below are listed as at Third Reading, unless otherwise indicated.

Chapter numbers for all Third Reading Bills are not listed as they were unavailable at the time of this writing.

The list of notable government bills from the BC Legislature Spring Session is:

1. *Advanced Education Statutes Amendment Act, 2011*, S.B.C. 2011, c. 7 (Bill 18);
2. *Animal Health Act* (Bill 37) (First Reading May 2, 2012);
3. *Athletic Commissioner Act* (Bill 50);
4. *Attorney General and Public Safety and Solicitor General Statutes Amendment Act, 2011*, S.B.C. 2011, c. 6 (Bill 15);
5. *Auditor General for Local Government Act*, S.B.C. 2012, c. 5 (Bill 20);
6. *Budget Measures Implementation Act, 2012*, S.B.C. 2012, c. 8 (Bill 21);
7. *Civil Resolution Tribunal Act* (Bill 44);
8. *Coastal Ferry Amendment Act, 2012* (Bill 47);
9. *Criminal Asset Management Act*, S.B.C. 2012, c. 10 (Bill 28);
10. *Education Improvement Act*, S.B.C. 2012, c. 3 (Bill 22);
11. *Emergency And Health Services Amendment Act, 2012* (Bill 48)(First Reading May 7, 212);
12. *Emergency Intervention Disclosure Act* (Bill 39);
13. *Energy And Mines Statutes Amendment Act, 2012* (Bill 30);
14. *Energy And Water Efficiency Act* (Bill 32);
15. *Family Day Act* (Bill 53);
16. *Finance Statutes Amendment Act, 2012*, S.B.C. 2012, c. 12 (Bill 23);
17. *FNCIDA Implementation Act* (Bill 43);
18. *Forests, Lands And Natural Resource Operations Statutes Amendment Act, 2012*, S.B.C. 2012, c. 14 (Bill 26);
19. *Income Tax Amendment Act, 2012* (Bill 45);
20. *Justice Statutes Amendment Act, 2012*, S.B.C. 2012, c.11 (Bill 33);
21. *Legal Profession Amendment Act, 2012*, S.B.C. 2012, c. 16 (Bill 40);
22. *Limitation Act*, S.B.C. 2012, c. 13 (Bill 34);
23. *New Housing Transition Tax and Rebate Act* (Bill 56);
24. *Miscellaneous Statutes Amendment Act, 2012*, S.B.C. 2012, c. 9 (Bill 25);
25. *Miscellaneous Statutes Amendment Act (No. 2), 2012* (Bill 41);
26. *Motion Picture Amendment Act, 2012* (Bill 31) (First Reading April 23, 2012);
27. *Motor Vehicle Amendment Act, 2012* (Bill 46);
28. *Motor Vehicle Amendment Act (No. 2), 2012* (Bill 52);
29. *Pension Benefits Standards Act* (Bill 38);

30. *Pharmaceutical Services Act* (Bill 35);
31. *Prevention Of Cruelty To Animals Amendment Act, 2012* (Bill 24);
32. *Protected Areas Of British Columbia Amendment Act, 2012*(Bill 49);
33. *Provincial Sales Tax Act* (Bill 54);
34. *School Amendment Act, 2012* (Bill 36);
35. *South Coast British Columbia Transportation Authority Amendment Act, 2012* (Bill 51); and
36. *Supply Act (No. 1), 2012*, S.B.C. 2012, c. 4 (Bill 27)
37. *Supply Act 2012-2013* (Bill 55).

CONCLUSION

If you intend to rely on this legal information, use the relevant official paper versions of the statutes and regulations.

If you have questions, or if I can be of further assistance, please feel free to contact me.

Stuart

Stuart Rennie

Barrister & Solicitor

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