

Legal Citations

Current to June 24, 2011

INTRODUCTION

The Legal Citations Appendix is attached to First Nations Records and Information Management Toolkit (“FN RIM Toolkit”). The RIM Toolkit lists applicable law relevant to the primary number for each affected record series. The law in the RIM Toolkit is current to June 24, 2011, therefore please conduct additional research before relying on this document.

The Legal Citations Appendix has three parts.

Part 1 lists each legal retention requirement for records by a unique Legal Citation Number. This Legal Citation Number is linked to the relevant primary number. Part 1 lists the summary of this legal retention requirement, including the statute or regulation citation requiring retention and the applicable section of that law.

Part 2 lists each legal retention requirement for records by a unique Legal Citation Number. Part 2 lists requirements to create and maintain records but with no stated legal retention requirement in the law. Like Part 1, Part 2 lists any relevant requirement by primary number. Part 2 lists the summary of any legal retention requirement, including the statute or regulation citation, applicable section of that law.

Part 3 lists selected legal limitation periods. A limitation period is the time period in which a legal action can be brought before a court of competent jurisdiction. Part 3 is not exhaustive. Part 3 lists selected legal limitation periods contained in selected British Columbia and Canadian legislation. The Legal Citation Number is linked to the relevant primary number in the Records Classification and Retention Schedule.

The Legal Citations Appendix is provided for general information purposes only and is not intended to provide legal advice or opinion of any kind. The Legal Citations Appendix should not be relied upon. The Legal Citations Appendix should not be seen as a substitute for obtaining competent legal counsel or advice or other professional advice. If legal advice or counsel or other professional advice is required, the services of a competent professional person should be sought.

PART 1

Legal Retention Requirement for Records

LEGAL CITATION NUMBER	PRIMARY NUMBER	SUMMARY OF LEGAL RETENTION REQUIREMENT
1	060	<i>Freedom Of Information And Protection Of Privacy Act</i> , R.S.B.C. 1996, c. 165 in section 31 requires that an individual's personal information must be retained for at least 1 year after being used.
2	0502	<i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492, in the Occupational Health And Safety Regulation (B.C. Reg. 296/97) in section 4.14(3) requires that an annual record of emergency drills must be kept
3	0635	<i>Employment Standards Act</i> , R.S.B.C. 1996, c. 113 in section 25(2)(c), if there is an agreement between the employer and employees, for employers to retain for 2 years, the records of the agreement for employees to clean/maintain special clothing (these amounts deemed to be wages); Note: Section 25(2)(c) amended by 2002-42-7 (in force May 30, 2002 on Royal Assent).
4	0780	<i>Motor Vehicle Act Regulations</i> (B.C. Reg. 26/58) under the <i>Motor Vehicle Act</i> , R.S.B.C. 1996, c. 318 in section 25.18, subject to limitations specified in section 25.18(2), the owner of every vehicle must, during the last 3 years of ownership and for a period of 6 months following disposal of it, maintain in safe keeping a record of: <ul style="list-style-type: none"> • (a) each inspection made of the vehicle and of every component of it to which the standards apply, and • (b) every replacement and repair made to the vehicle and to each such component following each inspection.
5	01640	Note: Effective July 1, 2014, the <i>Social Service Tax Act</i>, R.S.B.C. 1996, c. 431 and regulations are repealed by the <i>Consumption Tax Rebate And Transition Act</i>, S.B.C. 2010, c. 5 (Bill 9) (Bill 9 in force July 1, 2010). Generally effective July 1, 2010, Bill 9 provides that the Canadian Harmonized Sales Tax (HST) under the <i>Excise Tax Act</i>, [R.S., 1985, c. E-15] applies in place of the British Columbia provincial sales tax, see PRIMARY 1245. Prior to July 1, 2014, the <i>Social Service Tax Act</i>, R.S.B.C. 1996, c. 431 in sections 118 and 119 (appeal provisions) apply. Under the <i>Social Service Tax Act</i>, R.S.B.C. 1996, c. 431, in the <i>Social Service Tax Act Regulations</i> (B.C. Reg. 84/58) in sections 5.14 and 5.15, records must be retained for 7 years and until any appeal to the Minister or to court under the Act have been exhausted (since sections 5.14 and 5.15 of the regulations are subject to the appeal provisions in sections 118 and 119 of the Act).

6	1830	<p>Financial Information Act, R.S.B.C. 1996, c. 140 in section 2 requires that a corporation must prepare statements of financial information as specified by the Act.</p> <p>Financial Information Regulation (B.C Reg. 371/93) under the Financial Information Act, R.S.B.C. 1996, c. 140 in:</p> <ul style="list-style-type: none"> • section 5 provides that the fee for a copy of the financial information provided under section 2(6) of the Act is \$5; • Schedule (Statements and Schedules of Financial Information) in: <ul style="list-style-type: none"> ○ section 9(2) a Statement of Financial Information prepared by a municipality must be approved by its council and by the officer assigned responsibility for financial administration under the Local Government Act, ○ section 10(1) reasonable accommodation must be provided for any person who asks to examine the Statement of Financial Information; ○ section 10(2) requires a local government to keep copies of the financial information available for examination or purchase for 3 years after the end of the year reported on; ○ section 10(3) if a person so requests, a corporation may provide information contained in the Statement of Financial Information, severed from the Statement and furnished free of charge or subject to the duplication fees prescribed under the Freedom of Information and Protection of Privacy Act, if those fees do not exceed the fee prescribed under section 5 of this regulation.
7	1920	<p>Employment Standards Act, R.S.B.C. 1996, c. 113 in section 28(2) requires that employers must retain specified payroll records and retain them for 2 years after the employment terminates (section 28(2) includes records relating to the payment of employees, including personal identifying information, date employment began and ended, wages/salaries/benefits paid and deductions made, hours worked and vacation taken).</p> <p>In Canadian (federal legislation), the Employment Insurance Act, [1996, c. 23] in:</p> <ul style="list-style-type: none"> • section 87(3) employers are required to maintain books and records for 6 years after the year for which they are kept, or until written permission for their prior disposal is given by the Minister; • section 87(3.1) and (3.2) every employer who keeps electronic records shall retain them in an electronically readable format for the retention period referred to in section 87(3); • section 87(4) if there is an appeal or a ruling, the employer shall retain records necessary for dealing with the ruling/appeal until the ruling is made or the appeal is disposed of and any further appeal is disposed of or the time for filing a further appeal has expired;

		<p>The Information Circular IC78-10R5 (June 2010) Books and Records Retention/Destruction is a guideline regarding records retention and destruction (IC78-10R5 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (IC78-10RS available at: http://www.cra-arc.gc.ca).</p> <p>The Information Circular ICOS-1R1 (June 2010) Electronic Record Keeping is a guideline regarding keeping records electronically (IC05- 1R1 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (ICOS-1R1 available at: http://www.cra-arc.gc.ca/).</p>
8	2000	<p>Note: Effective July 1, 2014, the Social Service Tax Act, R.S.B.C. 1996, c. 431 and regulations are repealed by the Consumption Tax Rebate And Transition Act, S.B.C. 2010, c. 5 (Bill 9) (Bill 9 in force July 1, 2010). Generally effective July 1, 2010, Bill 9 provides that the Canadian Harmonized Sales Tax (HST) under Excise Tax Act, [R.S., 1985, c. E-15] applies in place of the British Columbia provincial sales tax.</p> <p>Prior to July 1, 2014, the Social Service Tax Act, R.S.B.C. 1996, c. 431 in the Social Service Tax Act Regulations (B.C. Reg. 84/58) in sections 5.14- 15 requires records to be retained for 7 years and standards of record- keeping required.</p> <p>In Canadian (federal legislation), the Excise Tax Act, [R.S., 1985, c. E-15]:</p> <ul style="list-style-type: none"> • section 2 defines "document" to include money, a security and a record; • section 2 defines "record" to include an account, an agreement, a book, a chart or table, a diagram, a form, an image, an invoice, a letter, a map, a memorandum, a plan, a return, a statement, a telegram, a voucher, and any other thing containing information, whether in writing or in any other form; • section 98(2) requires books and records be maintained for 6 years until the expiration of six years from the end of the calendar year in respect of which those records and books of account are kept or until written permission for their prior disposal is given by the Minister; • section 98(2.01) requires records that are kept electronically to be retained in an electronically readable format for the retention period set out in section 98(2); • section 98(2.02) permits the Minister to exempt a person from the requirement in section 98(2.01); • section 98(2.1) requires a party subject to an appeal to retain records necessary to verify the information therein until the objection or appeal has been finally disposed of by appeal or otherwise;

		<ul style="list-style-type: none">• section 98(3) requires such records to be made available for inspection by government;• section 102 makes it an offence to destroy records and making false entries, punishable by summary conviction (\$100 minimum fine and double the amount of taxes to be paid or \$1,000 maximum fine and double the amount of taxes to be paid or; default of fine payment makes person liable to minimum of 3 months in prison to a maximum of 1 year in prison); <p>Goods and Services Tax being Part IX of the Excise Tax Act,[R.S., 1985, c. E-15]:</p> <ul style="list-style-type: none">• section 286(1) and (3) requires, that if required to keep proper records and books, such records and books must be retained until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed;• section 286(3.1) requires records that are kept electronically to be retained in an electronically readable format for the retention period set out in section 286(3);• section 286(3.2) permits the Minister to exempt a person from the requirement in section 286(3.1);• section 286(4) provides that, if there is an appeal or objection, a person shall retain, until the objection, appeal or reference and any appeal therefrom is finally disposed of, every record that pertains to the subject-matter of the objection, appeal or reference/ <p>The GST/GST Memorandum 15.1, General Requirements for Books and Records (Revised June 2005) provides guidelines regarding keeping books and records (available at: http://www.cra-arc.gc.ca).</p> <p>The GST/GST Memorandum 15.2, Computerized Records (Revised June 2005) provides guidelines regarding keeping electronic records (available at: http://www.cra-arc.gc.ca).</p> <p>In Canadian (federal legislation), the Income Tax Act, [R.S.C. 1985, c. 1 (5th Supp.)]:</p> <ul style="list-style-type: none">• section 230(4) requires keeping proper records and books until the expiration of six years after the end of the year to which they relate or for such other period as may be prescribed;• section 230(4.1) requires records that are retained electronically shall retain them in an electronically readable format for the retention period referred to in section 230(4);• section 230(4.2) permits the Minister to exempt Persons from the requirement in section 230(4.1);
--	--	---

		<ul style="list-style-type: none"> • section 230(6) requires, where an appeal or objection is filed, for a person to keep records and books of account necessary for dealing with the objection or appeal until, in the case of the serving of a notice of objection, the time provided by section 169 to appeal has elapsed or, in the case of an appeal, until the appeal is disposed of and any further appeal in respect thereof is disposed of or the time for filing any such further appeal has expired; • section 230(8) permits dispose of records if written permission for their disposal is given by the Minister. <p>The Information Circular IC78 10R5 (June 2010) Books and Records Retention/Destruction is a guideline regarding records retention and destruction (IC78 10R5 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (IC78 10RS available at: http://www.cra-arc.gc.ca).</p> <p>The Information Circular IC05-1R1 (June 2010) Electronic Record Keeping is a guideline regarding keeping records electronically (ICOS- 1R1 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (IC05-1R1 available at: http://www.cra-arc.gc.ca).</p> <p>Income Tax Regulations, [C.R.C., c. 945] under the Income Tax Act, [R.S.C. 1985, c. 1 (5th Supp.)] in Regulation Part 5800(1):</p> <ul style="list-style-type: none"> • subsections (a) and (b) require corporate records be retained 2 years after the day that the corporation is dissolved; • subsection (c) requires business records of a person not a corporation be retained 6 years after the last day of the taxation year of the person in which the business ceased; • subsections (d), (e) and (f) require specified records of registered charities or Canadian amateur athletic associations be retained 2 years after the date on which the registration of the charity or Canadian amateur athletic association is revoked.
9	2020	<p><i>Unclaimed Property Act</i>, S.B.C. 1999, c. 48 in:</p> <ul style="list-style-type: none"> • section 1 defines "property" broadly and includes employee benefits; • section 1 defines local government as a "public body" as defined by the Freedom of Information and Protection of Privacy Act, • section 6131 requires a "public body" to retain records of unclaimed property. <p><i>Unclaimed Property Regulation</i> (B.C. Reg. 463/99) under the <i>Unclaimed Property Act</i> specifies the following retention periods in section 5:</p> <ul style="list-style-type: none"> • 6 years, if the amount of the deposit is under \$1,000; • 10 years, if the amount of the deposit is at least \$1,000 but is under \$25,000; • 30 years, if the amount of the deposit is \$25,000 or more.

FNPS
June 24, 2011

10	2520	Workers Compensation Act , R.S.B.C. 1996, c. 492 in section 55(2), unless an application is filed, or an adjudication made, within 1 year after the date of injury, death or disablement from occupational disease, no compensation is payable, except as provided in subsections (3), (3.1), (3.2) and (3.3).
11	2520	Workers Compensation Act , R.S.B.C. 1996, c. 492 in section 165, unless another time is established in the order, a variance order ceases to have effect 3 years from the date on which it first comes into effect.
12	2520	Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 in section 3.19 requires that first aid records: be kept confidential, be inspected by the Board and access given to workers about their own first aid records and must be kept for at least 3 years.
13	2520	Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 in section 5.59(3), records confirming an investigation that an exposure to a hazardous substance may have occurred must be made available to workers, and maintained by the employer for a minimum of 10 years.
14	2520	Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 in section 6.32(1), records of asbestos-containing materials inventories and risk assessments, inspections and air monitoring results must be retained for at least 10 years.
15	2520	Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i> , R.S.B.C. 1996, c. 492 in section 6.32(2), records of corrective actions to control fibre release, training and instruction of workers, written work procedures and written notification of the Board must be retained by the employer for at least 3 years.
16	2520	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492 in section 6.52:</p> <ul style="list-style-type: none"> • the employer must maintain a record of all workers who prepare or administer cytotoxic drugs, including the name of the drugs handled, and when practicable, the number of preparations or administrations per week; and • exposure records must be maintained for the duration of employment plus 10 years; • training records must be maintained for 3 years from the date that the training occurred. <p>Note: "Cytotoxic drugs include any drug that inhibits or prevents the function of cells. Cytotoxic drugs include drugs used to treat cancer" in Government of Saskatchewan, Occupational Health and Safety Division, "Cytotoxic Drugs" (November 1999), G7:24 (available at: http://www.labour.gov.sk.ca).</p>

17	2520	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the Workers Compensation Act, R.S.B.C. 1996, c. 492 in section 7.9, the employer must keep records of:</p> <ul style="list-style-type: none"> • the annual hearing test results for each worker, which must: be kept as long as the worker is employed by the employer and be kept confidential and not released to anyone without the written permission of the worker, or as otherwise required by law; • the education and training provided to workers; and • the results of noise exposure measurements taken under section 7.3 (noise measurement required).
18	2520	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the Workers Compensation Act, R.S.B.C. 1996, c. 492 in section 7.25 the employer must:</p> <ul style="list-style-type: none"> • maintain and make available to the Board, for at least 10 years, records of radiation surveys, and for the period that the worker is employed plus 10 years, records of exposure monitoring and personal dosimetry data; and • make the records available to workers . <p>Note: "G7.24 Radiation Surveys, Part 7 Noise, Vibration, Radiation & Temperature" in the OHS Guidelines, Worksafe BC (Revised January 2005, Editorial Revision March 11, 2009) (available at: http://www2.worksafebc.com/).</p> <p>The Canadian (federal) Nuclear Safety and Control Act, [1997, c. 9] in:</p> <ul style="list-style-type: none"> • section 4, subject to any order made pursuant to section 5 (Orders excluding Department of National Defence, etc.), this Act is binding on Her Majesty in right of Canada or a province; • section 27, every licensee and every prescribed person shall keep the prescribed records, including a record of the dose of radiation received by or committed to each person who performs duties in connection with any activity that is authorized by this Act or who is present at a place where that activity is carried on, retain those records for the prescribed time and disclose them under the prescribed circumstances; <p>Nuclear Substances and Radiation Devices Regulations, [SOR/2000-207] under the <i>Nuclear Safety and Control Act</i>, [1997, c. 9] in:</p> <ul style="list-style-type: none"> • section 31 (1)(e) requires that a record of radiation doses be kept; • section 36 requires that specified records regarding nuclear substances be retained for 3 years after the termination of employment of the worker, the expiration of the license or last test, as specified; • section 37 requires that specified records regarding exposure devices be kept.

19	2530	SEE PRIMARY 1920 SALARIES AND WAGES - PAYROLL
20	2530	<p>Canada Pension Plan, [R.S., 1985, c. C-8], as amended, in:</p> <ul style="list-style-type: none">• section 24(1) requires that every employer shall keep records and books of account at his place of business or residence in Canada;• section 24(2) requires that every employer shall retain those records and books of account until the expiration of 6 years from the end of the year in respect of which those records and books of account are kept or until written permission for their prior disposal is given by the Minister;• section 24(2.1) requires that every employer who keeps electronic records shall retain them in an electronically readable format for the retention period referred to in section 24(2);• section 24(3) requires that, if the employer or an employee of the employer is subject to a ruling under section 26.1 or has made an appeal to the Minister under section 27 or 27.1, the employer shall retain every record, book of account, account and voucher necessary for dealing with the ruling or the appeal until the ruling is made or the appeal is disposed of and any further appeal is disposed of or the time for filing a further appeal has expired;• section 25(1) defines "documents" to include money, securities and any of the following, whether computerized or not: books, records, letters, telegrams, vouchers, invoices, accounts and statements (financial or otherwise);• section 41 (2) provides that every person who fails to comply with or contravenes section 24 or 25 is guilty of an offence punishable on summary conviction;• section 41(4) every person who:<ul style="list-style-type: none">a) makes, or participates in, assents to or acquiesces in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Part or a regulation,b) to evade payment of a contribution imposed by this Act, destroys, alters, mutilates, secretes or otherwise disposes of the records or books of account of an employer,c) makes, or assents to or acquiesces in the making of, false or deceptive entries, or omits, or assents to or acquiesces in the omission, to enter a material particular, in records or books of account of an employer,d) willfully, in any manner, evades or attempts to evade, compliance with this Act or payment of contributions imposed by this Act, or

		<p>e) conspires with any person to commit an offence described in any of paragraphs (a) to (d),</p> <p>is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to</p> <p>f) a fine of not less than \$25 and not more than \$5,000 plus, in an appropriate case, an amount not exceeding double the amount of the contribution that should have been shown to be payable or that was sought to be evaded, or</p> <p>g) both the fine described in paragraph (f) and imprisonment for a term not exceeding 6 months.</p> <p>The Information Circular IC78-10RS (June 2010) Books and Records Retention/Destruction is a guideline regarding records retention and destruction (IC78-10RS applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (IC78-10RS available at: http://www.cra-arc.gc.ca).</p> <p>The Information Circular ICOS-1R1 (June 2010) Electronic Record Keeping is a guideline regarding keeping records electronically (ICOS- 1R1 applies to the Income Tax Act, Employment Insurance Act and Canada Pension Plan) (ICOS-1R1 available at: http://www.cra-arc.gc.ca/).</p>
21	2640	<p>Workers Compensation Act, R.S.B.C. 1996, c. 492:</p> <ul style="list-style-type: none"> • section 125 requires an employer to establish a joint health and safety committee: <ul style="list-style-type: none"> a) in each workplace where 20 or more workers of the employer are regularly employed; and b) in any other workplace for which a joint committee is required by order; • section 137, after each joint committee meeting, the committee must prepare a report of the meeting and provide a copy to the employer, including, in section 137(2)(b), requiring the employer to retain a copy of the reports for at least 2 years from the date of the joint committee meeting to which they relate; • section 138 requires the employer to post and keep posted: the names and work locations of the joint committee members, the reports of the 3 most recent joint committee meetings and copies of any applicable orders under this Division for the preceding 12 months.

22	2640	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the Workers Compensation Act, R.S.B.C. 1996, c. 492:</p> <ul style="list-style-type: none"> • section 6.32(1), requires that employers must maintain for at least 10 years, records of asbestos-containing materials inventories and risk assessments, inspections and air monitoring results; • section 6.32(2), requires that employers must maintain for at least 3 years, records of corrective actions to control fibre release, training and instruction of workers, written work procedures and written notification of the Board; • section 6.52(2) requires that employers must maintain exposure records for the duration of employment plus 10 years, and training records for 3 years from the date that the training occurred.
23	2642	<p>Workers Compensation Amendment Act, 2005, S.B.C. 2005, c. 41 (Bill 11) adds section 6.1 to the Workers Compensation Act, R.S.B.C. 1996, c. 492 (Bill 11 in force retroactive to April 11, 2005 by B.C. Reg. 362/2005). Bill 11 provides that specific cancers and diseases suffered by firefighters are deemed occupational diseases and compensable under the Act as provided by regulation.</p> <p>Firefighters' Occupational Disease Regulation (B.C. Reg. 125/2009) under the Workers Compensation Act, R.S.B.C. 1996, c. 492:</p> <ul style="list-style-type: none"> • section 1 set list of acceptable diseases and the minimum cumulate period for a firefighter to have worked in order to benefit under the Act, ranging from 5 to 20 years; • section 4 minimum non-smoking periods are prescribed for previous smokers, ranging from 6 to 28 years.
24	4050	<p>Local Government Bylaw Notice Enforcement Act, S.B.C. 2003, c. 60 (the "Act") permits local governments designated by regulation to create bylaw courts to adjudicate minor matters, like traffic tickets, with a fine value of under \$500.</p> <p>The Act applies to the following local governments, effective May 3, 2004 by Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004):</p> <ul style="list-style-type: none"> • District of West Vancouver • City of North Vancouver • District of North Vancouver <p>The Act applies to the following local governments, effective December 13, 2005 by B.C. Reg. 368/2005 amending Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004):</p> <ul style="list-style-type: none"> • City of Chilliwack • City of Coquitlam • City of Richmond • City of Surrey • District of Hope and • District of Kent

FNPS
June 24, 2011

- **Note:** B.C. Reg. 368/2005 refers to an effective date of September 1, 2005. That September 1, 2005 date is irrelevant by operation of section 4(1) of the Regulations Act, R.S.B.C. 1996, c. 402. Section 4(1) provides that a regulation comes into force on the date of its deposit unless: (a) a later date is specified in the regulation or (b) an earlier date is specified in the regulation and the Act under which the regulation is made authorizes the regulation to come into force on an earlier date. Since neither section 4(1)(a) or (b) applies to B.C. Reg. 368/2005, B.C. Reg. 368/2005's effective date is the date of deposit: December 13, 2005.

The Act applies to the following local governments, effective February 1, 2006 by B.C. Reg. 10/2006 amending Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004):

- Fraser Valley Regional District
- City of Duncan
- The Municipality of the Village of Lions Bay and
- Bowen Island Municipality

The Act applies to the following, amending Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004):

- District of Totino, effective September 24, 2009 by B.C. Reg. 230/2009;
- Cities of Kelowna, Penticton, Districts of Peachland, Summerland, West Kelowna, Regional District of Okanagan- Similkameen effective January 1,2010 by B.C. Reg. 306/2009;
- District of Lake Country effective February 1, 2010 by B.C. Reg. 6/2010;
- Denman Island, Galiano Island, Gambier Island, North Pender Island, Salt Spring Island, Saturna Island Local Trust Committees effective February 1,2010 by B.C. Reg. 7/2010;
- Town of Oliver effective February 1,2010 by B.C. Reg. 8/2010
- Towns of Gibsons and Vernon effective May 1,2010 by B.C. Reg. 109/2010;
- City of Nelson effective October 1,2010 by B.C. Reg. 272/2010;
- Sun Peaks Mount Resort Municipality effective November 30, 2010 by B.C. Reg. 316/2010;
- Sunshine Coast Regional District and Town of Creston effective November 30, 2010 by B.C. Reg. 317/2010;
- City of Vancouver effective February 1,2011 by B.C. Reg. 366/2010;
- District of Maple Ridge, Gabriola island Local Trust Committee, Hornby Island Local Trust Committee, Lasqueti Island Local Trust Committee, Mayne Island Local Trust Committee, South Pender Island Local Trust Committee and Thetis Island Local Trust Committee effective May 1, 2011by B.C. Reg. 72/2011; and
- Northern Rockies Regional Municipality effective May 16, 2011, by B.C. Reg. 76/2011.

		<p>Section 5 of the Act provides that the limitation for issuing a bylaw notice is 6 months after the alleged contravention has occurred.</p> <p>Section 15 of the Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004) under the Act requires that the local government must create and maintain a hearing record.</p> <p>Section 26(2) of the Act provides that amounts owing may be enforced as a Provincial Court judgment within 2 years before the date on which the local government filed a certificate with the court.</p> <p>Section 3(3) (f) of the <i>Limitation Act</i>, R.S.B.C. 1996, c. 266 sets a 10 year limitation on collection on the money judgment.</p>
25	2400	<p>Local Government Act, R.S.B.C. 1996, c. 323:</p> <p>Electors</p> <ul style="list-style-type: none"> • section 61(2) designated local government officer is responsible for maintaining the register of electors; section 61 (2) amended by 1998-34-18 (in force September 23, 1998 by B.C. Reg. 311/98); • section 62(3) list of registered electors must be must be available for public inspection at the local government offices during its regular office hours; section 62(3) amended by 1998-34-19 (in force September 23, 1998 by B.C. Reg. 311/98); • section 62(4) before inspecting the list of registered electors, a person other than a local government officer or employee acting in the course of duties must sign a statement that the person will not inspect the list or use the information included in the list except for the purposes of this Part; • section 62(5) designated local government officer must ensure that the statements referred to in subsection 62(4) are kept until after general voting day for the next general local election; section 62(5) amended by 1998-34-198; • section 62(6) at least 6 but not more than 30 days before the first day on which the list of registered electors is required to be available under subsection 62(3), notice must be given in accordance with section 44 (public notices) that: <ul style="list-style-type: none"> a) a copy of the list of registered electors will be available for public inspection at the local government offices during its regular office hours from the date specified in the notice until the close of general voting for the election; b) an elector may request that personal information respecting the elector be omitted from or obscured on the list in accordance with section 63 (protection of privacy); and c) an objection to the registration of a person as an elector may be made in accordance with section 64 (objections) before 4 p.m. on the 36th day before general voting day;

		<ul style="list-style-type: none">• section 62(10) person entitled to inspect a copy of the list of registered electors under subsection 62(3) is not entitled to obtain a copy of the list; section 62(10) amended by 2008-5-4 (in force March 5, 2008 on the day after First Reading);• section 63 chief election office to protect elector privacy on request by an elector to protect the privacy or security of the elector, by amending a list of registered electors that is to be available for public inspection, or that is to be provided under section 62(8) {list provided to candidates}, by omitting or obscuring the address of the elector or other information about the elector; section 63 amended by 1999-37-19 (in force June 29, 1999 retroactive from July 15, 1999 on Royal Assent); <p>Public Inspection of Nomination Documents</p> <ul style="list-style-type: none">• section 73 amended by 2008-5-7 (in force March 5, 2008 on the day after First Reading);• section 73(6), nomination documents delivered to the chief election officer:<ul style="list-style-type: none">a) must be available for public inspection in the local government offices during its regular office hours from the time of delivery until 30 days after the declaration of the election results under section 136; andb) if a bylaw under subsection 73(7) applies, must be made available to the public in accordance with the bylaw;• section 73(7), a local government may, by bylaw, provide for public access to nomination documents, during all or part of the period referred to in subsection 73(6)(a), in any manner the local government considers appropriate, including by the Internet or other electronic means;• section 73(8), a person who inspects or otherwise accesses nomination documents under this section must not use the information included in them except for the purposes of this Act; <p>7 Year Retention And Public Inspection</p> <ul style="list-style-type: none">• section 93 re-enacted by 2008-5-25 (in force March 5, 2008 on the day after First Reading);• section 93(1) disclosure statements and signed declarations under section 90 (duty to file disclosure statement) and the supplementary reports and signed declarations under section 90.1 (duty to file supplementary reports) must be available for public inspection in the local government offices during its regular office hours from the time of filing until 7 years after general voting day for the election to which they relate;
--	--	---

- **section 93(3), a person who inspects or otherwise accesses a document referred to in subsection 93(1) under this section must not use the information included in it except for the purposes of the following:**
 - **this Part;**
 - **Division 6 (conflict of interest) or Division 7 (disqualification) of Part 4 of the *Community Charter*,**
 - **sections 141, 142.1 to 142.3 and 145.2 to 145.92 of the *Vancouver Charter*;**

Voting

- section 116(5) presiding election official must keep a record if there is a challenge of an elector indicating: that the person was challenged, the name of the person who made the challenge, and how the person challenged satisfied the requirement of subsection 116(3);
- section 117(3) presiding election official must keep a record if another person has already voted under an elector's name indicating:
 - a) that a second ballot was issued in the name of the elector; and
 - b) any challenge under section 116 of the person who obtained the second ballot;

Counting of the Vote

- section 128(4) vote counting must proceed as continuously as is practicable and the votes must be recorded;
- section 131 requires ballot accounts to be prepared and 131(3) a copy of the ballot account must be prepared and signed by the presiding election official and included with the election materials under
- section 133;
- section 132 requires packaging of ballots;
- section 133 requires delivery of election materials as specified to chief election officer;

Retention And Destruction Of Election Materials

- **section 150(1), until the end of the period for conducting a judicial recount, the chief election officer:**
 - a) **must keep the sealed ballot packages delivered under section 133 in the officer's custody;**
 - b) **is responsible for retaining the nomination documents under section 72, other than the written disclosure under the Financial Disclosure Act; and**

		<p>c) is responsible for retaining the remainder of the election materials delivered under section 133;</p> <ul style="list-style-type: none">• section 150(1) amended by 2008-5-30 (in force March 5, 2008 on the day after First Reading);• section 150(2), after the end of the period for conducting a judicial recount, the designated local government officer is responsible for retaining the materials referred to in subsection 150(1); section 150(2) and (5) amended by 1998-34-33 (in force September 23, 1998 by B.C. Reg. 311/98);• section 150(3), from the time of the declaration of the official election results under section 136 until 30 days after that date, the following election materials must be available for public inspection at the local government offices during regular office hours:<ul style="list-style-type: none">○ the voting books used for the election;○ any copies of the list of registered electors used for the purposes of voting proceedings;○ any records required by or under this Part to be made during voting proceedings;○ any solemn declarations taken and any signed written statements or declarations required by or under this Part in relation to voting proceedings;• section 150(3) and (5.1) amended by 2008-5-30 (in force March 5, 2008 on the day after First Reading);• section 150(4), before inspecting materials referred to in subsection 150(3), a person other than a local government officer or employee• acting in the course of duties must sign a statement that the person will not inspect the materials except for the purposes of this Act;• section 150(5), the designated local government officer must ensure that the statements referred to in subsection 150(4) are kept until after• general voting day for the next general local election;• section 150(5.1), a person who inspects materials referred to in subsection (3) must not use the information in them except for the purposes of this Part;• section 150(5.2), despite section 95(3) of the Community Charter and section 27(7) of the Interpretation Act, a person who is entitled to inspect the materials referred to in subsection (3) of this section is not entitled to obtain a copy of those materials;
--	--	---

		<ul style="list-style-type: none"> • section 150(6), the following materials must be destroyed as soon as possible following 8 weeks after the declaration of the official election results under section 136: <ul style="list-style-type: none"> ○ the ballots used in the election; ○ any stubs for ballots used in the election; ○ any copies of the list of registered electors used for the purposes of voting proceedings; ○ the voting books used in the election; ○ any solemn declarations and any written statements or declarations in relation to voting proceedings, other than those used for the registration of electors; • section 150(7), as exceptions, subsection 150(6) does not apply: <ul style="list-style-type: none"> • if otherwise ordered by a court, or • if the materials relate to an election that is the subject of an application under section 143, until the final determination of that application or the court authorizes their destruction; • section 150(8), unless otherwise provided by or under this Act, a person may not inspect a ballot.
26	4750	<p>Community Care and Assisted Living Act, S.B.C. 2002, c. 75 in the Child Care Licensing Regulation (B.C. Reg. 319/89) in section 5 for mandatory criminal records checks, the licensee must:</p> <ul style="list-style-type: none"> • retain all results of the criminal record check referred to in this section as long as the subject of the criminal record check remains an employee of the community care facility (s. 5(4)); • retain records of all character references done under subsection (1) (b) for at least one year, after which the records must be returned to the person who was the subject of the check or be destroyed (s. 5(5)); • the licensee must retain all signed original authorization forms for a minimum of 5 years (s. 5(6))
27	4750	<p>Child Care Licensing Regulation (B.C. Reg. 332/2007) under the Community Care and Assisted Living Act, 5.8.C. 2002, c. 75:</p> <ul style="list-style-type: none"> • section 3(1)(f) exempt from the Community Care and Assisted Living Act is a program for children that is: operated, in respect of each group of children who attend the program, for 2 hours or less each day and directly operated and funded by a municipality; • section 3(2) for greater certainty, a program that is described in subsection 3(1) is not exempt if the program is delivered in a place that is regulated under the Act as a program of residential care; <p>Character And Skill Requirements</p> <ul style="list-style-type: none"> • section 19 a licensee must not employ a person in a community care facility unless the licensee or, in the case of a person who is

		<ul style="list-style-type: none">• not the manager, the manager has first met with the person and• obtained all of the following:<ul style="list-style-type: none">a) a criminal record check for the person;b) character references in respect of the person;c) a record of the person's work history ;d) copies of any diplomas, certificates or other evidence of the person's training and skills;e) a statement signed by a medical practitioner indicating that the person is physically and psychologically capable of working with children and carrying out assigned duties in a community care facility;f) evidence that the person has complied with the Province's immunization and tuberculosis control programs;• section 19(2) a licensee must not employ a person in a community care facility unless the licensee is satisfied, based on the information available to the licensee under subsection 19(1) and the licensee's or, in the case of an employee who is not the manager, the manager's own observations on meeting the person, that the person:<ul style="list-style-type: none">a) is of good character,b) has the personality, ability and temperament necessary to manage or work with children, andc) has the training and experience and demonstrates the skills necessary to carry out the duties assigned to the manager or employee;• section 19(3) without limiting subsection 19(2), if the duties of an employee include care for a child who requires extra support, a licensee must ensure that the employee has the training and experience and demonstrates the skills necessary to care for that child;• section 19(4) a licensee must not employ a person in a community care facility as:<ul style="list-style-type: none">a) an educator or an assistant unless the person holds a certificate issued under Division 2 (Employee Qualifications), orb) a responsible adult unless the person has the qualifications required under Division 2;
--	--	--

		<p>Additional Criminal Record Checks</p> <ul style="list-style-type: none">• section 20(1), the licensee must not permit a person over the age of 12 to be ordinarily present on the premises of a community care facility while children are present, unless the person is of good character and the licensee has obtained a criminal record check for that person.• section 20(2) for the purposes of subsection 20(1), a parent who is only picking up or dropping off a child at a community care facility is not "ordinarily present"; <p>Community Care Facility Records</p> <ul style="list-style-type: none">a) section 56 a licensee must keep current records of each of the following:b) written policies and procedures for the safe release of children;c) for each employee, the records required under section 19(1) (character and skill requirements);d) a record respecting compliance with section 22(2)(b) and (c) (emergency training and equipment);e) written policies and procedures that are intended to guide employees in the care and supervision of children;f) written policies and procedures respecting food and drink to be given to children;g) a log of minor accidents, illnesses and unexpected events involving children, that did not require medical attention and were not reportable incidents described in Schedule H; <p>Records for Each Child</p> <ul style="list-style-type: none">• section 57(1) a licensee must keep current records for each child showing the information set out in subsection (2) and the consents referred to in subsection (3);• section 57(2) a licensee must keep, for each child, a record showing the following information:<ul style="list-style-type: none">a) name, sex, date of birth, medical insurance plan number and immunization status;b) date of enrolment in the community care facility;c) daily attendance record , indicating for each day whether the child is absent or, if the child is present, the time of arrival and departure;
--	--	--

		<ul style="list-style-type: none">c) name and telephone number of a parent, medical practitioner and emergency contact;d) any illness, allergy or medical disability disclosed to the licensee by the child or his or her parent or medical practitioner;e) any medication administered to the child, including the amount and the time at which the medication was administered;f) any notification of a parent, emergency contact or medical health officer made under section 55 (notification of illness or injury);g) any special instruction respecting the child's diet, medication, participation in a program of activities, or other matter relevant to the child's care: given by the child's parent to the licensee in writing, and agreed to by the licensee;h) a photograph or digital image of the child, and other information that can be used to readily identify the child in an emergency;i) a record of any person who is not permitted access to the child;j) the date on which the child stops attending the community care facility; <ul style="list-style-type: none">• section 57(3) a licensee must have in writing from a parent, and maintain at the community care facility, consent:<ul style="list-style-type: none">a) to call a medical practitioner or ambulance in case of accident or illness if the parent cannot immediately be reached, andb) to release a child to someone other than the parent; <p>Care Plans</p> <ul style="list-style-type: none">• section 58(1) a licensee must keep, for each child requiring extra support, a current care plan showing the following information:<ul style="list-style-type: none">a) the diagnoses relevant to the child's requirement for extra support, as made by health care professionals;b) the courses of action recommended by health care professionals to address the needs of the child requiring extra support;c) the resources to be made available to the child requiring extra support by the licensee, including: any adaptation of the community care facility necessary to ensure the child's safety or comfort, and any modification to the program of activities necessary to enable the child to participate in or benefit from the program;
--	--	---

		<ul style="list-style-type: none">• section 58(2) the licensee must:<ul style="list-style-type: none">a) develop the care plan in consultation, andb) review the care plan at least once each year<p>with a parent of the child requiring extra support and any person requested by the parent.</p><ul style="list-style-type: none">a) section 58(3) the licensee must record compliance with the care plan of a child requiring extra support in respect of each of the following that are applicable to the child:b) any therapeutic diet given to the child by the licensee;c) any medication administered to the child by the licensee, including the amount and the time at which the medication was administered;d) any modification to the program of activities for the child's benefit;e) any behavioural guidance provided to the child, and its effect;f) any other matter for which the licensee has agreed with the parent of the child to record compliance; <p>Records Must Be Available</p> <ul style="list-style-type: none">• section 59 in respect of a record referred to in this Division, a licensee must:<ul style="list-style-type: none">a) keep in a single place at the community care facility the records referred to in sections 56 to 58;b) keep a record other than one referred to in paragraph (a) in a place from which it can be retrieved within a reasonable time, on request; andc) produce records, on demand, to the medical health officer; <p>How Long Records Must Be Kept</p> <ul style="list-style-type: none">• section 60(1) subject to subsections (2) to (5), a licensee must keep all records referred to in this Division for at least 1 year;• section 60(2) a licensee must retain for at least 5 years all signed original forms authorizing criminal record checks to be done;• section 60(3) a licensee must keep:<ul style="list-style-type: none">a) in the case of employees, all records required under section 19 (1) (character and skill requirements) for the entire time that the subject of the records is an employee of the community care facility; and
--	--	--

		<p>b) in any other case, all criminal record check results and character references for the entire time that the subject of the criminal record check or character reference is ordinarily present on the premises;</p> <ul style="list-style-type: none"> • section 60(4) immediately after a person who was the subject of a character reference is no longer employed by or ordinarily present at the community care facility, a licensee must return all character references to the person, or destroy the character references; • section 60(5) a licensee must keep a record referred to in section 57 (records for each child) for at least 2 years from the date the child who is the subject of the record is discharged from the community care facility.
28	4780	<p>Residential Care Regulation (B.C. Reg. 96/2009) under the <i>Community Care and Assisted Living Act</i>, S.B.C. 2002, c. 75 in:</p> <ul style="list-style-type: none"> • section 78 requires that a licensee must keep specified records for each person in care; • section 79 requires that a licensee must keep specified records regarding money and valuables of persons in care; • section 80 requires that a licensee must create a short term care plan on admission; <p>section 81 requires that a licensee must create a care plan if more than 30 day stay;</p> <ul style="list-style-type: none"> • section 82 requires that a licensee must implement care plans; • section 83 requires that a licensee must create and review nutrition plans; • section 84 requires that a licensee must record use of restraints in care plans; • section 85 requires that a licensee must create additional records regarding policies and procedures; • section 86 requires that a licensee must keep specified records respecting employees; • section 87 requires that a licensee must keep food services records; • section 88 requires that a licensee must keep records of minor and reportable incidents; • section 89 requires that a licensee must keep records of complaints and compliance;

		<ul style="list-style-type: none"> • section 90 requires that a licensee must maintain financial records and audits; • section 91 requires that a licensee must keep records current and available; • section 92(1) subject to subsections 92(2) to (5), a licensee must keep all records referred to in this regulation for at least 1 year; • section 92(2) a licensee must keep for at least 5 years all signed original forms authorizing criminal record checks to be done; • section 92(3) a licensee must keep: <ul style="list-style-type: none"> a) in the case of employees, all records required under section 37(1) (character and skill requirements) for the entire time that the subject of the records is an employee of the community care facility, and b) in any other case, all criminal record check results and character references for the entire time that the subject of the criminal record check or character reference is ordinarily present on the premises; • section 92(4) requires that a licensee must, immediately after a person who was the subject of a character reference is no longer employed by or ordinarily present at the community care facility, a licensee, return all character references to the person, or destroy the character references; • section 92(5) a licensee must keep a record referred to in section 78 (records for each person in care) for at least 2 years from the date the person in care who is the subject of the record is discharged from the community care facility; • section 92(6) a licensee must keep a record referred to in section 89 (1) (record of complaints) for at least 2 years; • section 93 a licensee must, to the greatest extent possible while maintaining the health, safety and dignity of persons in care, keep the records and personal information of persons in care confidential.
29	5210	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492 in section 22.7(5), the employer must retain Underground Record for 5 years after completion of underground working project and have these records available for inspection.</p>
30	5380	<p>Organic Matter Recycling Regulation (B.C. Reg. 18/2002) under the Environmental Management Act, S.B.C. 2003, c. 53 in Schedule 6 for dischargers or composting facilities or those otherwise required to follow the provisions of this regulation temperature and retention time records for specified biosolids and compost must be kept at the facility for at least 36 months and must be made available for inspection by an officer upon request.</p>

PART 2
No Legal Retention Requirement for Records

LEGAL CITATION NUMBER	PRIMARY NUMBER	SUMMARY OF PROVISIONS RESPECTING RECORDS TO BE CREATED AND MAINTAINED WITH NO LEGAL RETENTION REQUIREMENT
31	0110	<p>Local Government Act, R.S.B.C. 1996, c. 323 in section 15 requiring a local government to publish its letters patent.</p> <p>Note: Section 15(1) amended by 2008-42-44 (in force May 29, 2008 on Royal Assent). Section 15(3) amended by 2007-36-116 (in force April 3, 2009 by B.C. Reg. 55/09). Section 15 re -enacted by 1997-25-50 (in force July 28, 1997 on Royal Assent).</p>
32	0230	<p>Society Act, R.S.B.C. 1996, c. 433 in section 11 provides that a society must ensure that all of its documents, including its financial records, are kept at the address of the society unless the directors pass a resolution permitting some of the documents, including its financial records, to be kept at places in British Columbia other than the address of the society.</p>
33	0290	<p>Community Charter, S.B.C. 2003, c. 26 in section 90(1)(b)) meetings that may or must be closed to the public if personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity.</p> <p>Freedom Of Information And Protection Of Privacy Act, R.S.B.C. 1996, c. 165 in section 27(1)(c) public body must collect personal information or cause personal information to be collected directly from the individual the information is about unless the information is collected for the purpose of determining suitability for an honour or award including an honorary degree, scholarship, prize or bursary; section 27(1)(c.1) amended by 2002-13-6 and 2003-5-3 to 5 (in force March 28, 2003 by B.C. Reg. 125/03).</p>
34	0530	<p>Community Charter, S.B.C. 2003, c. 26:</p> <p>Alternative approval process</p> <ul style="list-style-type: none"> • section 86(1) permits approval of the electors by alternative approval process regarding a bylaw, agreement or other matter; • section 86(3) requires council to: establish elector response forms (and make these forms available at the municipal hall) and make a fair determination of the total number of electors of the area to which the approval process applies; • section 86(4) requires council to make available to the public, on request, a report regarding the basis on which the determination of

		<p>the total number of electors of the area to which the approval process applies was made;</p> <p>Public Notice and Access to Records</p> <ul style="list-style-type: none">• section 94 sets requirements for public notice, including permitting council to provide notice by the Internet or other electronic means;• section 95 in addition to the public access provided by the Freedom of Information and Protection of Privacy Act, a council may, by bylaw,• provide for public access to its records and establish procedures respecting that access;• section 97(1)(b) requires public inspection of all minutes of council meetings, other than a meeting or part of a meeting that is closed to the public;• section 97(1)(c) requires public inspection of all minutes of meetings of bodies referred to in section 93 (application of rules to other bodies), other than a meeting or part of a meeting that is closed to the public; <p>Procedure Bylaws</p> <ul style="list-style-type: none">• section 124(2)(c) requires council to pass bylaws to provide for the taking of minutes of council meetings and council committee meetings, including requiring certification of those minutes;• section 148 requires that a municipal officer must be assigned the responsibility to ensure that accurate minutes of the meetings of the council and council committees are prepared; further this officer must ensure that the minutes, bylaws and other records of the business of the council and council committees are maintained and kept safe and that access is provided to records of the council and council committees, as required by law or authorized by the council;• section 149 requires that a municipal officer must be assigned the responsibility of financial administration, ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe;• section 168(1) at least once a year, council must have prepared a report separately listing the following for each council member by name regarding council remuneration, expenses and contracts; <p>Local Government Act, R.S.B.C. 1996, c. 323</p> <ul style="list-style-type: none">• section 198 requires that an officer must be assigned the responsibility to ensure that accurate minutes of the meetings of the board and board committees are prepared; further this officer must ensure that the minutes, bylaws and other records of the business of the board and board committees are maintained and kept safe and that access is provided to records of the board and board committees, as required by law or authorized by the board;
--	--	---

		<ul style="list-style-type: none"> • Section 199 require that an officer must be assigned the responsibility of financial administration, ensuring that accurate records and full accounts of the financial affairs of the regional district are prepared, maintained and kept safe; <p>(Note: Section 196 of the Local Government Act, R.S.B.C. 1996, c. 323 requires that a regional district board pass a bylaw establishing officer positions regarding the powers set out in section 198 and 199 of the Local Government Act).</p> <ul style="list-style-type: none"> • section 236 requires minutes of board meetings to be kept; • section 237 requires minutes of board committee meetings to be kept; • section 898(8) if an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.
35	0540	<p>Community Charter, S.B.C. 2003, c. 26:</p> <p>Alternative approval process</p> <ul style="list-style-type: none"> • section 86(1) permits approval of the electors by alternative approval process regarding a bylaw, agreement or other matter; • section 86(3) requires council to: establish elector response forms (and make these forms available at the municipal hall) and make a fair determination of the total number of electors of the area to which the approval process applies; • section 86(4) requires council to make available to the public, on request, a report regarding the basis on which the determination of the total number of electors of the area to which the approval process applies was made; <p>Public Notice and Access to Records</p> <ul style="list-style-type: none"> • section 94 sets requirements for public notice, including permitting council to provide notice by the Internet or other electronic means; • section 95 in addition to the public access provided by the Freedom of Information and Protection of Privacy Act, a council may, by bylaw, provide for public access to its records and establish procedures respecting that access; • section 97(1)(b) requires public inspection of all minutes of council meetings, other than a meeting or part of a meeting that is closed to the public; • section 97(1)(c) requires public inspection of all minutes of meetings of bodies referred to in section 93 (application of rules to other bodies), other than a meeting or part of a meeting that is closed to the public;

Procedure Bylaws

- section 124(2)(c) requires council to pass bylaws to provide for the taking of minutes of council meetings and council committee meetings including requiring certification of those minutes;
- section 148 requires that a municipal officer must be assigned the responsibility to ensure that accurate minutes of the meetings of the council and council committees are prepared; further this officer must ensure that the minutes, bylaws and other records of the business of the council and council committees are maintained and kept safe and that access is provided to records of the council and council committees, as required by law or authorized by the council;
- section 149 requires that a municipal officer must be assigned the responsibility of financial administration, ensuring that accurate records and full accounts of the financial affairs of the municipality are prepared, maintained and kept safe;
- section 168(1) at least once a year, council must have prepared a report separately listing the following for each council member by name regarding council remuneration, expenses and contracts;

Local Government Act, R.S.B.C. 1996, c. 323

- section 198 requires that an officer must be assigned the responsibility to ensure that accurate minutes of the meetings of the board and board committees are prepared; further this officer must ensure that the minutes, bylaws and other records of the business of the board and board committees are maintained and kept safe and that access is provided to records of the board and board committees, as required by law or authorized by the board;
- section 199 requires that an officer must be assigned the responsibility of financial administration, ensuring that that accurate records and full accounts of the financial affairs of the regional district are prepared, maintained and kept safe;

(Note: Section 196 of the Local Government Act, R.S.B.C. 1996, c. 323 requires that a regional district board pass a bylaw establishing officer positions regarding the powers set out in section 198 and 199 of the Local Government Act).

- section 236 requires minutes of board meetings to be kept;
- section 237 requires minutes of board committee meetings to be kept;
- section 898(8) if an advisory planning commission is established, minutes of all of its meetings must be kept and, on request, made available to the public.

FNPS
June 24, 2011

37	0550	<p>Community Charter, S.B.C. 2003, c. 26 in section 91(3) minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.</p> <p>Section 91 amended by 2003-52-538 (in force January 1, 2004 by B.C. Reg. 465/03, repealing B.C. Reg. 428/03).</p>
38	0580	<p>Freedom Of Information And Protection Of Privacy Act, R.S.B.C. 1996, c. 165:</p> <ul style="list-style-type: none"> • section 10 permits a public body to seek permission of the Information and Privacy Commissioner to extend the time for responding to an access request if the period is longer than 30 days and if the Commissioner otherwise considers that it is fair and reasonable to do so; • section 27 requires a public body to collect information directly; • section 28 requires a public body to the public body to make every reasonable effort to ensure that the personal information is accurate and complete; • section 29 requires a public body to correct personal information; • section 30 requires a public body to protect personal information in its custody or control; • section 30.1 requires a public body to ensure storage and access in Canada; • section 30.2 requires a public body duty to report foreign demand for disclosure; • section 30.3 provides whistle-blower protection for breach of the Act; • section 30.4 prohibits unauthorized disclosure; • section 31.1 provides that specified provisions of the Act apply to employees and others of public bodies; • section 32 limits use of personal information by a public body; • section 33 regulates disclosure of personal information in custody and control by a public body; • section 33.1 regulates disclosure inside or outside Canada by a public body; • section 33.2 regulates disclosure inside Canada only by a public body; • section 34 applies a definition of consistent purposes; • section 69 requires the head of a public body to make available for public inspection and copying a directory that lists the public body's personal information banks; • section 70 requires policy manuals of a public body to be made publicly available without a formal request for access; • section 71 permits the head of a public body to designate categories of records that are available to the public, on demand, without a formal request for access

FNPS
June 24, 2011

39	0590	<p>The Canadian (federal) Copyright Act, fR.S., 1985, c. C-421 in section 6, the term of copyright is life of the author, the remainder of the calendar year in which the author dies, and a period of 50 years following the end of that calendar year.</p> <p>The Canadian (federal) Industrial Design Act, [R.S., 1985, c. 1-8] in section 10 the term limited for the duration of an exclusive right for an industrial design is 10 years beginning on the date of registration of the design.</p> <p>The Canadian (federal) Patent Act, [R.S., 1985, c. P-4] in section 44, where an application for a patent is filed under this Act on or after October 1, 1989, the term limited for the duration of the patent is 20 years from the filing date.</p> <p>The Canadian (federal) Trade-marks Act, [R.S., 1985, c. T-13]:</p> <ul style="list-style-type: none"> • section 17(2) registration is incontestable in court proceedings commenced after the expiration of 5 years from the date of registration of a trade-mark; • section 46(1) registration of a trade-mark that is on the register is subject to renewal within a period of 15 years from the day of the registration or last renewal.
40	0680	<p>Criminal Records Review Act, R.S.B.C. 1996, c. 86:</p> <ul style="list-style-type: none"> • section 7(2)(c) Part 3 (Employers and Employees) applies to employers and employees other than a municipality or an employee of a municipality; • section 8 each employer must ensure that every individual who is hired for employment involving work with children and every employee who works with children undergoes a criminal record check.
41	1100	<p>Occupational Health and Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492 in section 31.9 requires that the employer must keep the test and inspection records required by Part 31 (Firefighting) available at the workplace for inspection by an officer or the joint committee or worker health and safety representative, as applicable</p>
42	1240	<p>Occupational Health and Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492:</p> <ul style="list-style-type: none"> • section 4.9 requires recording system for inspection and maintenance records regarding equipment; • section 16.3 requires maintenance records for mobile equipment to be available (B.C. Reg. 312/2003 as amended by section 70, Appendix E of B.C. Reg. 320/2007).
43	1335	<p>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165 in section 6(2), a public body must create a record for an applicant if:</p> <ul style="list-style-type: none"> • the record can be created from a machine readable record in the custody or under the control of the public body using its normal computer hardware and software and technical expertise; and • creating the record would not unreasonably interfere with the operations of the public body

FNPS
June 24, 2011

44	1740	<p>Limitation Act, R.S.B.C. 1996, c. 266:</p> <ul style="list-style-type: none"> • section 3(2) imposes a 2 year limitation on court actions to enforce claims for payment like contract or tort; • section 3(3) imposes a 10 year limitation on actions like a local judgment for the payment of money; • section 3(5) imposes a 6 year limitation on other actions like recovery of debts; • section 5 regulates confirmation of a cause of action; • section 6 postpones or suspends the running of time in specific situations; • section 7 postpones or suspends the running of time for persons who are minors or incapable; • section 8 provides that the ultimate limitation is 30 years . <p>Local Government Act, R.S.B.C. 1996, c. 323:</p> <ul style="list-style-type: none"> • section 285 provides that the limitation period for actions a municipality is 6 months; • section 286 provides that a municipality has immunity unless notice given to the municipality 2 months after damage.
45	1920	<p>Employment Standards Act, R.S.B.C. 1996, c. 113 in section 27 requires employers to provide written wage statements to employees containing specified information.</p> <p>Workers Compensation Act, R.S.B.C. 1996, c. 492 in section 38 requires the employer to furnish to the Board an estimate of the employer's payrolls or be subject to monetary penalties.</p>
46	1490	<p>Note: While not applicable to local governments, the following statutory retention period requires financial institutions to retain microfilm records for specified numbers of years. As such, it may be analogous of, and as such, of assistance to municipal governments who choose to microfilm records regarding signing authorities.</p> <p>Financial Institutions Act, R.S.B.C. 1996, c. 141 in section 85(7), requires credit unions to keep all related signature cards and signing authorities or microfilm copies of them for a prescribed period after which the credit union may destroy them.</p> <p>Inactive Deposit Regulation (B.C. Reg. 322/90) under the Financial Institutions Act in section 3 set prescribed record retention periods for keeping signature cards and signing authorities or microfilm copies of them:</p>

FNPS
June 24, 2011

		<ul style="list-style-type: none"> • if they relate to a debt treated as income under section 85(2) of the Act, 6 years from the date the debt, including interest, became an inactive deposit; • if they relate to an amount paid to the administrator under section 85(4) of the Act, until the credit union concerned is notified that copies of the signature cards and signing authorities submitted by it under section 2.1 of this regulation have been received by the administrator.
47	2560	<p>Workers Compensation Act, R.S.B.C. 1996, c. 492 in the Occupational Health And Safety Regulation (B.C. Reg. 296/97) in section 6.35, the employer must maintain a list of all job classifications and must identify all tasks and procedures in which there is a potential for occupational exposure to a bloodborne pathogen, or to other biohazardous material specified by the Board.</p>
48	2590	<p>Human Rights Code, R.S.B.C. 1996, c. 210 in:</p> <ul style="list-style-type: none"> • section 13 a person must not refuse to employ or refuse to continue to employ a person, or discriminate against a person regarding employment or any term or condition of employment because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person; • section 22(1) a complaint must be filed within 6 months of the alleged contravention of discrimination or other prohibited conduct under the Act; • section 22(2) if a continuing contravention is alleged in a complaint, the complaint must be filed within 6 months of the last alleged instance of the contravention; and • section 22(3) if a complaint is filed after the expiration of the time limit referred to in subsection (1) or (2), a member or panel may accept all or part of the complaint if the member or panel determines that: (a) it is in the public interest to accept the complaint, and (b) no substantial prejudice will result to any person because of the delay.
49	2640	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492):</p> <ul style="list-style-type: none"> • section 3.1 require an occupational health and safety program as outlined in section 3.3 by each employer that has a workforce of 20 or more workers (as specified) or by each employer that has a workforce of 50 or more workers; • section 3.3 requires an occupational health and safety program to be maintained and records of meetings kept; • section 3.25 requires records of all orientation and training provided under sections 3.23 and 3.24 to be retained for young and new workers (as amended by B.C. Reg. 105/2007);

FNPS
June 24, 2011

		<ul style="list-style-type: none">• section 4.21, a worker required to work in isolation or alone and any person assigned to check on the worker must be trained in the written procedure for checking the worker's well-being (as amended by B.C. Reg. 318/2007);• section 4.22, worker described in section 4.21(1) and any person assigned to check on the worker must be trained in the written procedure for checking the worker's well-being (as amended by B.C. Reg. 318/2007);• section 4.30 employers must train employees regarding violence in the workplace;• section 4.31 employers must ensure that a worker reporting an injury or adverse symptom as a result of an incident of violence is advised to consult a physician of the worker's choice for treatment or referral;• section 4.51 the employer must provide education and training for risk to employees of "musculoskeletal injury or MSI;• section 4.52, the employer must monitor the effectiveness of the measures taken to comply with the Ergonomics (MSI) Requirements and ensure they are reviewed at least annually;• section 5.94, the employer must ensure that workers receive emergency eyewash training;• section 5.100 the employer must have written evacuation procedures appropriate to the risk posed by hazardous substances from accidental release, fire or other such emergency;• section 5.101, if workers are required to control a release of a hazardous substance, to perform cleanup of a spill, or to carry out testing before re-entry, the employer must provide: adequate written safe work procedures, appropriate personal protective equipment which is readily available to workers and is adequately maintained and material or equipment necessary for the control and disposal of the hazardous substance;• section 5.102, the employer must provide training in the appropriate emergency procedures to all workers who may be affected;• section 29.3, the employer must provide training regarding hazards from aircraft operations;• section 30.17(5), employer must provide training regarding laboratory hazards.
--	--	---

50	2660	<p>Labour Relations Regulation (B.C. Reg. 7/93) under the <i>Labour Relations Code</i>, R.S.B.C. 1996, c. 244 in the in section 10, regarding votes directed by the Labour Relations Board (Board) or Minister, imposes duties on employers, employees and trade unions to cooperate with the returning officer and deputy returning officer appointed by the Board and to comply with any direction validly given by either of them, including a direction to the employer to supply information and records and to make available the use offacilities owned by the employer.</p>
51	2830	<p>Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165 in schedule 1 "employee", in relation to a public body, includes a volunteer.</p>
52	3010	<p>Home Owner Grant Act, R.S.B.C. 1996, c. 194, in section 13 provides for inspection of municipal records during business hours.</p> <p>Homeowner Protection Act, S.B.C. 1998, c. 31 in:</p> <ul style="list-style-type: none"> • section 9(4) requires that a municipality or regional district must provide reports respecting building regulation compliance by persons required to be licensed under the Act; section 9 amended by: 2007-20-7 (in force November 19, 2007 by B.C. Reg. 315/07) and 2007-36-92 (adding reference to "treaty first nation") (in force April 3, 2009 by B.C. Reg. 55/09); • section 23(5) provides that, legal action must commence within 10 years after the date of first occupancy of the new home or, in respect of common property, common facilities and other assets of a strata corporation, the date the strata plan is deposited in a land title office in accordance with the Act; section 23 amended by 2007-20-17 (in force November 19, 2007 by 8.C. Reg. 315/07); • section 23(6) provides that nothing in section 23 subjects a municipality or regional district to any greater liability than if this section were not in force; section 23(6) amended by: 2007-36-93 (amending section 23{6}(c) "subjects a municipality, regional district or treaty first nation to any greater liability than if this section were not in force") (in force April 3, 2009 by B.C. Reg. 55/09); • section 30(1) provides that a municipality or regional district must not issue a building permit for a proposed new home unless the applicant provides evidence, in the prescribed form respecting insurance coverage for the home; section 30(1), (2) and (3) amended by 2007-36-94 (adding reference to "treaty first nation") (in force April 3, 2009 by 8.C. Reg. 55/09);

		<ul style="list-style-type: none"> • section 30(2), provides that, if a municipality or regional district issues a building permit for a proposed new home, relying in good faith on the evidence provided under subsection (1), the municipality or regional district is not liable, either directly or vicariously, for any damages or other loss, including economic loss, sustained by any person as set out in section 30(2); <p>section 30(3) provides that the registrar may request a municipality or regional district to forward to the registrar information provided by applicants for building permits under subsection (1</p> <p>Notice to Mediate (Residential Construction) Regulation (B.C. Reg. 152/99) under the Homeowner Protection Act, S.B.C. 1998, c. 31 in section 6 requires a municipality or regional district as a "government body" to participate in pre- mediation conference unless exempted under the regulation.</p>
53	2720	<p><i>Cremation, Interment And Funeral Services Act</i>, S.B.C. 2004, c. 35:</p> <ul style="list-style-type: none"> • section 3 provides that an operator and a funeral provider must maintain records of a prescribed category in accordance with requirements established by regulation; • section 16 provides that, if a licensed funeral provider or a licensed operator is a corporation, the funeral provider or operator must report to the director in writing within 14 days of the change occurring: <ol style="list-style-type: none"> a) a change in the senior officers, as defined in the <i>Business Corporations Act</i>, of the corporation, and b) a material change in the beneficial ownership of the shares of the corporation; • section 30(1) provides that the director may: <ol style="list-style-type: none"> a) audit a care fund, or b) order an operator of a place of interment to have a care fund audited by a person within a class of persons prescribed by the Lieutenant Governor in council; • must maintain records related to the maintenance of the care fund in a manner that is satisfactory to a director; • section 37(2) provides that, if a municipality, a regional district or an improvement district proposes to own or operate a place of interment or crematorium, the local government must: <ol style="list-style-type: none"> a) incorporate a company subject to section 195 of the Local Government Act, b) establish itself as a board of trustees, or c) appoint a board of trustees to own or operate the place of interment or crematorium; •

		<ul style="list-style-type: none">• section 39(1) requires that an operator of a place of interment must have bylaws; <p>section 39(3) provides that an operator must submit to a director a copy of the bylaws relating to the place of interment or crematorium:</p> <ul style="list-style-type: none">• if the director requests the operator to do so, or• in prescribed circumstances; <ul style="list-style-type: none">• section 44(c) requires that, before an operator of a place of interment ceases selling rights of interment, the operator must notify a director of the operator's intention and provide the director with the methods that the operator intends to adopt to ensure continued access to records of interment and rights of interment. <ul style="list-style-type: none">• section 56(2) provides that the following sections of the <i>Business Practices and Consumer Protection Act</i>, S.B.C. 2004. c. 2 apply for the purposes of this Act: sections 150 (inspection powers) to 153 (records or things retained); Note: the administrative penalties under the <i>Business Practices and Consumer Protection Act</i> for committing an offense: are \$5,000 for an individual (s.165(1)) and \$50,000 for a corporation (s.165(2)) and section 170 of the <i>Business Practices and Consumer Protection Act</i> provides that the time limit for giving a notice imposing an administrative penalty is 2 years after the date on which the contravention occurred;• section 61(2)(p) provides that a person who contravenes section 30 commits an offence;• section 64 requires that information or records under the Act be kept confidential subject to specified exceptions; <p>Cremation, Interment and Funeral Services Regulation (B.C. Reg. 298/2004) under the <i>Cremation, Interment And Funeral Services Act</i></p> <ul style="list-style-type: none">• section 27 specified records related to interments;• section 30 specified records related to cremation;• section 43 specified records a funeral provider must keep <p>Health Act Communicable Disease Regulation (B.C. Reg. 4/83) under the <i>Public Health Act</i>, S.B.C. 2008, c. 28:</p> <ul style="list-style-type: none">• section 16(1) provides that no person shall ship a dead body by rail, air, ship or truck without a valid transit certificate;• section 16(2) provides that a properly completed burial permit, issued under the <i>Vital Statistics Act</i>, attached to the head of the box containing the casket constitutes a valid transit certificate.
--	--	---

FNPS
June 24, 2011

		<ul style="list-style-type: none"> section 23 requires that an operator of a cemetery, mausoleum or crematorium must not permit the interment or cremation of a dead body unless the operator holds the appropriate copy of the burial permit or other document described under section 22.
54	4750 and 4780	<p>Criminal Records Review Act, R.S.B.C. 1996, c. 86, in section 8, an employer must ensure that every individual who is hired for employment involving work with children and every employee who works with children undergoes a criminal record check.</p> <p>Community Care and Assisted Living Act, S.B.C. 2002, c. 75 in:</p> <ul style="list-style-type: none"> section 4(1)(b) gives director power to inspect records of community care facility; section 9 requires licensee to have records available for inspection; section 25(2)(b), if the registrar believes that an unregistered assisted living residence is being operated or that the health or safety of a resident is at risk, the registrar may inspect records.
55	4790	<p>Child, Family and Community Service Act, R.S.B.C. 1996, c. 46, in section 65, gives director right to seek a court order if denied a record about a child by an organization.</p>
56	4830	<p>Community Care and Assisted Living Act, S.B.C. 2002, c. 75 in:</p> <ul style="list-style-type: none"> section 4(1)(b) gives director power to inspect records of community care facility; section 9 requires licensee to have records available for inspection; section 25(2)(b), if the registrar believes that an unregistered assisted living residence is being operated or that the health or safety of a resident is at risk, the registrar may inspect records. <p>Community Care and Assisted Living Act, S.B.C. 2002, c. 75 in the Adult Care Regulations (B.C. Reg. 536/80) in:</p> <ul style="list-style-type: none"> sections 4(2) and (3) the licensee shall make specified records about the residents; section 6.2 licensee shall make and have available inspection records proving health of employees to work.
57	5120	<p>Criminal Records Review Act, R.S.B.C. 1996, c. 86, in section 8, an employer must ensure that every individual who is hired for employment involving work with children and every employee who works with children undergoes a criminal record check.</p>
58	5225	<p>Dike Maintenance Act, R.S.B.C. 1996, c. 95 in:</p> <ul style="list-style-type: none"> section 1 defines "diking authority" to mean a regional district, a municipality or an improvement district; section 1 is amended by 2007-36-51 (in force April 3, 2009 by B.C. Reg. 55/09); section 2(2)(f) permits the dike inspector to inspect or make an order for the inspection of any books or records in connection with the construction or maintenance of dikes in the possession or control of a diking authority

<p style="text-align: center;">59</p>	<p style="text-align: center;">5280</p>	<p>Occupational Health And Safety Regulation (B.C. Reg. 296/97) under the <i>Workers Compensation Act</i>, R.S.B.C. 1996, c. 492:</p> <ul style="list-style-type: none"> • section 1.1 defines "material safety data sheet" or "MSDS" to mean a document disclosing the information referred to in section 13(a)(i) to (v) of the Hazardous Products Act (Canada) and section 12(1) to (3) of the Controlled Products Regulations (Canada); • section 6.75 requires that an employer must make readily available to workers an MSDS or its written equivalent for all pesticides used at the workplace; • section 6.79, provides that, where, in the opinion of the Board, it is necessary to provide health monitoring for workers exposed to pesticides, employers and workers must participate as required by the Board, and records must be maintained in a manner acceptable to the Board; • section 6.94 requires that employers must maintain a record of pesticide applications; • section 6.108 requires that employers must keep records and MSDS on all previously used antistain materials if a change of chemical has occurred and the equipment or work areas have not been adequately decontaminated, and this information must be readily available to workers.
<p style="text-align: center;">60</p>	<p style="text-align: center;">5340</p>	<p>Environmental Management Act, S.B.C. 2003, c. 53 in section 22(2)(j) permits the Minister to make regulations or codes of practice requiring the keeping of records and authorizing the inspection of records; section 22 amended by 2008-33-3 (in force May 29, 2008 on Royal Assent);</p> <p>Municipal Sewage Regulation (B.C. Reg. 129/99) under the <i>Environmental Management Act</i>, S.B.C. 2003, c. 53:</p> <ul style="list-style-type: none"> • the section 1 defines "discharger" to mean an individual or corporation exempt under Part 2 from section 6 (2) and (3) of the Act for the purposes of discharge, or authorized under this regulation or under the Act to discharge; • section 18 requires a discharger to maintain the outfall inspection report and have this report available at all times for inspection by the director; • section 26 requires a discharger to record effluent level and state that level in the annual report; • section 28 requires a discharger to report to the director on specific monitoring matters.

61	5360	<p><i>Environmental Management Act</i>, S.B.C. 2003, c. 53:</p> <ul style="list-style-type: none"> • section 25(3)(1), permits a regional district to make bylaws to regulate the management of municipal solid waste or recyclable material including, the operation, closure or post-closure of sites, including requirements for: recording and submission of information, audited statements respecting the municipal solid waste or recyclable material received at and shipped from a site and the installation and maintenance of works; • section 26 permits a regional district to create bylaws requiring waste haulers to maintain records and make these records available for inspection and copying by employee/agent of the regional district; • section 32(2)(c), for disposal of municipal solid waste in Greater Vancouver, permits the Greater Vancouver Sewerage and Drainage District to make bylaws to require the keeping of records and the provision of information respecting municipal solid waste and its discharge; • section 107 sets out the enforcement powers of conservation officers to include: in subsection (2), the right of the conservation officer to inspect records or in subsection (3) to obtain a warrant to inspect records; • section 109(4) provides that, regarding the production, treatment, storage, handling, transportation or discharge of waste, the right of conservation officers to: <ul style="list-style-type: none"> ○ examine and take away copies of records related to waste treatment and discharge; ○ use a computer system at the place that is being inspected to information; ○ record or copy by any method any information; ○ use any machine or other equipment in the place that is being inspected as is necessary to carry out the inspection; ○ use copying equipment located at the place that is being inspected to make copies to take away; ○ take photographs or make audio or video records; • Note: section 109 amended by 2006-15-8 (in force March 30, 2006 onRoyal Assent).
62	5480	<p><i>Motor Vehicle Act</i>, R.S.B.C. 1996, c. 318 in the Motor Vehicle Act Regulations(B.C. Reg. 26/58):</p> <ul style="list-style-type: none"> • section 38.02 permits a municipality to issue disabled parking permit; • section 38.05 permits a municipality to cancel disabled parking permit with cause as specified.
62	2540	<p><i>Emergency Program Act</i>, R.S.B.C. 1996, c. 111 in:</p> <ul style="list-style-type: none"> • section 1 defines "local authority" to mean: <ul style="list-style-type: none"> ○ for a municipality, the municipal council;

		<ul style="list-style-type: none"> ○ for an electoral area in a regional district, the board of the regional district; or ○ for a national park, the park superintendent or the park superintendent's delegate if an agreement has been entered into with the government of Canada under section 4(2)(e) in which it is agreed that the park superintendent is a local authority for the purposes of this Act; <ul style="list-style-type: none"> • section 6 requires a local authority to prepare local emergency plans respecting preparation for, response to and recovery from emergencies and disasters. <p>Local Authority Emergency Management Regulation (B.C. Reg. 380/95) under the <i>Emergency Program Act</i>, R.S.B.C. 1996, c. 111:</p> <ul style="list-style-type: none"> • section 2 requires a local government to create and maintain a specified local emergency plan; • section 4 specifies duties of a local authority, including providing update plans to the Minister.
63	5600	<p>Water Regulation (B.C. Reg. 204/88) under the <i>Water Act</i>, R.S.B.C. 1996, c. 483:</p> <ul style="list-style-type: none"> • section 1 defines "local authority" to mean a water district incorporated under an Act, municipality, improvement district, water utility under the <i>Water Utility Act</i> or development district; • section 8 requires that every local authority must complete a report on its consumption of water for the previous calendar year.
64	7130	<p>Emergency Program Act, R.S.B.C. 1996, c. 111 in:</p> <ul style="list-style-type: none"> • section 1 defines "local authority" to mean: <ul style="list-style-type: none"> ○ for a municipality, the municipal council, ○ for an electoral area in a regional district, the board of the regional district, or ○ for a national park, the park superintendent or the park superintendent's delegate if an agreement has been entered into with the government of Canada under section 4 (2) (e) in which it is agreed that the park superintendent is a local authority for the purposes of this Act; • section 6 requires a local authority to prepare local emergency plans respecting preparation for, response to and recovery from emergencies and disasters. <p>Emergency Program Act, R.S.B.C. 1996, c. 111 in the Local Authority Emergency Management Regulation (B.C. Reg. 380/95) in:</p> <ul style="list-style-type: none"> • section 2 requiring a local government to create and maintain a specified local emergency plan; and • section 4 specifying duties of a local authority, including providing update plan to the Minister.

65	7140	<p>Compensation and Disaster Financial Assistance Regulation (B.C. Reg. 124/95) under the <i>Emergency Program Act</i>, R.S.B.C. 1996, c. 111:</p> <ul style="list-style-type: none"> • Part 3 (Disaster Financial Assistance for Local Government Body) permits the Lieutenant Governor in council or the Minister may determine that disaster financial assistance may be provided to a local government body for specified eligible local government body expenses; • section 20 defines "local government body" as amended by B.C. Reg. 201/2006, effective July 13, 2006; • section 22 sets out the definition of "eligible local government body expenses" in Schedule 5 to the regulation, including: <ul style="list-style-type: none"> ○ structural repair to or replacement of a public facility; ○ repair to or replacement of eligible local government body materials including books, papers and other records essential to local government body functions and operation; ○ clean up and debris removal; ○ emergency response measures; ○ deductible amounts for insurance costs; ○ costs of inspection, appraisal, planning or design; ○ general administrative costs; ○ replacing damaged/destroyed local government body stores or materials; ○ payment by the local government body of compensation required under Part 1 of the regulation.
66	7300	<p>Fire Services Act, R.S.B.C. 1996, c. 144 in:</p> <ul style="list-style-type: none"> • section 6 defines "local assistants" to the fire commissioner as follows: <ol style="list-style-type: none"> a) in a municipality that maintains a fire department, the fire chief and persons authorized in writing by the fire chief to exercise the powers of a local assistant; b) in a municipality that does not maintain a fire department, the mayor of the municipality or another person appointed as a local assistant by the fire commissioner; c) in any other part of British Columbia, a person appointed as a local assistant by the fire commissioner; section 6 amended by 1997-37-51 (in force July 1, 1998 by B.C. Reg. 205/98); • section 9 requires the local assistant (usually the municipal fire chief or delegate) to provide a report of investigation of fires to the fire commissioner; • section 13 requires the fire chief or local assistant to make preliminary report of a suspicious fire to the fire commissioner; • section 18 requires that a fire commissioner must report to the Attorney General evidence of arson;

		<ul style="list-style-type: none"> • section 20 provides that a fire commissioner must keep statistical records of all fires reported to a fire commissioner and make this record available to the public.
XX	XXXX	<p>Pool Regulation (B.C. Reg. 296/2010) under the <i>Public Health Act</i>, S.B.C. 2008, c. 28:</p> <ul style="list-style-type: none"> • section 19(1) requires that an operator must ensure that, for each pool operated by the operator, a daily record is kept of the following: <ol style="list-style-type: none"> a) all injuries sustained at or within the pool; b) all occurrences of contamination by feces or vomit at or within the pool; c) the amount and types of chemicals added to the pool water; d) the results of all tests performed as required under section 10 (2) and (4) [pool water]; • section 19(2) requires that the operator must ensure that the records required under subsection (1) are available for inspection by a health officer on request; • section 10(2) requires that an operator must meet specified requirements regarding water in the pool; • section 10(4) provides that, in addition to any other power that may be exercised under the Act, a health officer may require an operator to test for chemical, physical or biological characteristics of water in a pool.
XX	XXXX	<p><i>Community Charter</i>, S.B.C. 2003, c. 26 in section 165 requires a municipality to have a financial plan; section 165 amended by 2007-24-2 (in force May 31, 2007 on Royal Assent).</p>
XX	XXXX	<p><i>Community Charter</i>, S.B.C. 2003, c. 26:</p> <ul style="list-style-type: none"> • section 167 requires the municipality to prepare annual financial statements for acceptance by council; • section 167(3) requires the municipality to provide information requested by the inspector; • section 167(4) requires the municipality to submit to the inspector its audited financial statements for the preceding year and any other financial information requested by the inspector by May 15 in each year; • section 167(5) in addition to any requirement under subsection 167(4), the municipal financial officer must compile and supply information on the financial affairs of the municipality requested by the inspector.

XX	XXXX	<p>Employment Standards Act, R.S.B.C. 1996, c. 113 in section 27 requires employers to provide written wage statements to employees containing specified information.</p> <p>Workers Compensation Act, R.S.B.C. 1996, c. 492 in section 38 requires the employer to furnish to the Board an estimate of the employer's payrolls or be subject to monetary penalties.</p>
XX	XXXX	<p>Community Charter, S.B.C. 2003, c. 26:</p> <p>Fees</p> <ul style="list-style-type: none"> • section 194(4) a municipality must make available to the public, on request, a report on how municipal fees imposed under this section was determined; section 194(4) amended by 2004-34-5 (in force January 1, 2004 retroactive from May 13, 2004 on Royal Assent); <p>Parcel Tax</p> <ul style="list-style-type: none"> • section 1 Schedule (Definitions and Rules of Interpretation) "parcel tax" means a tax imposed on the basis of a single amount for each parcel, the taxable area of a parcel or the taxable frontage of a parcel and "collector " means the municipal officer assigned responsibility as collector of taxes for the municipality; • section 200(4) a municipality must make available to the public, on request, a report regarding how parcel tax amounts or rates were determined; section 203(3) once it has been prepared by the collector, the parcel tax roll must be available for public inspection; • section 203(4) if requested by an owner, the collector must amend a parcel tax roll that is to be available for public inspection by omitting or obscuring the address of the owner or other information about the owner in order to protect the privacy or security of the owner; • section 207(5)(a) in an appeal to Supreme Court from review panel decision, the collector must produce before the court the parcel tax roll and all records in that officer's possession affecting the matter.
XX	XXXX	<p>Local Government Act, R.S.B.C. 1996, c. 323 in section 298, the corporate seal, tools, machinery, equipment and records, office furniture, fixtures and fittings of a municipality are exempt from forced seizure or sale by any process of law.</p>
XX	XXXX	<p>Public Health Act, S.B.C. 2008, c. 28 (Bill 23):</p> <ul style="list-style-type: none"> • section 3, if the Minister orders, requires a municipality or any other public body, in order to promote and protect health and well-being, to make, in respect of a specific issue or geographic area, a public health plan; <p>section 4 requires the public body to submit this plan to the Minister for approval.</p>

		Note: Sections 3 and 4 are in force March 31, 2009 by B.C. Reg. 49/2009.
XX	XXXX	<p>Community Charter, S.B.C. 2003, c. 26:</p> <ul style="list-style-type: none"> • section 57 permits a building inspector to recommend to council to make a note against property in the Land Title Office if building regulations contravened; • section 57(4) corporate officer must ensure that all records are available for inspection at the municipal hall regarding any council resolution accepting building inspector's recommendations.
XX	XXXX	<p>Local Government Act, R.S.B.C. 1996, c. 323, as amended by section 20 of the Local Government (Green Communities) Statutes Amendment Act, 2008, S.B.C. 2008, c. 23 (Bill 27) (in force May 29, 2008) in section 877(3) of the Local Government Act requires specified requirements for an official community plan, including targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.</p> <p>Local Government Act, R.S.B.C. 1996, c. 323 in section 890(6) requires a written report of each public hearing regarding an official community plan bylaw or a zoning bylaw, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, be prepared and maintained as a public record; section 890(6) amended by 2007-6-2 (in force June 21, 2007 by B.C. Reg. 190/07).</p> <p>Transition Section 39(1) of Bill 27 provides that the requirements to establish targets, policies and actions regarding greenhouse gas emission reductions under section 877(3) (required content of official community plan) of the Local Government Act do not apply to a bylaw adopted before or after this section comes into force until May 31, 2010 for an official community plan or official development plan and May 31, 2011 for a regional growth strategy, or such later date as is established under subsection (2).</p> <p>Section 39(2) of Bill 27 permits the minister, by order made before or after the date previously applicable under subsection (1), to establish a later date:</p> <ul style="list-style-type: none"> a) for the purposes of subsection (1) generally; b) in relation to a described class of municipality or regional district; c) in relation to a specified local authority; or d) in relation to a described class of official community plans, official development plans or regional growth strategies and described actions in relation to those plans and strategies.
XX	XXXX	Local Government Act, R.S.B.C. 1996, c. 323 in section 954(1) permits a local government to establish a community heritage register.

		<p>Community Heritage Register</p> <ul style="list-style-type: none">• section 954(2) requires that a community heritage register:<ul style="list-style-type: none">a) must indicate the reasons why property included in a community heritage register is considered to have heritage value or heritage character; andb) may distinguish between heritage properties of differing degrees and kinds of heritage value or heritage character. <p>Heritage Inspection</p> <ul style="list-style-type: none">• section 956(1) permits a local government to order a heritage inspection;• section 956(2) specifies content of order under subsection 956(1);• section 956(6) requires a local government to notify the owner of the property that a heritage inspection has been conducted and make a report to the owner;• section 956(7) a person whose property is damaged by a heritage inspection under subsection 956(1) is entitled to have the damage repaired at the expense of a local government or, if the damage cannot be repaired, to compensation from the local government. <p>Impact Assessment May Be Required</p> <ul style="list-style-type: none">• section 958(1) permits a local government to undertake studies at the expense of the local government;• section 958(2) a requirement under subsection 958(1) must be communicated to the applicant in writing and include specifications of the information to be provided and of the qualifications of any persons undertaking studies to produce the information;• section 958(3) specifications referred to in subsection 958(2) must not be changed by the local government or its delegate without the agreement of the applicant; <p>Orders For Temporary Protection</p> <ul style="list-style-type: none">• section 962(1) permits a local government to order that real property is subject to temporary protection;• section 962(3) provide that, an order under subsection 962(1) may do one or more of the following:<ul style="list-style-type: none">a) identify landscape features that are subject to the order;b) specify types of alterations to property that are allowed without obtaining a heritage alteration permit;c) establish policies regarding the issuance of a heritage alteration permit in relation to the property;
--	--	---

		<p>Heritage Control Periods For Temporary Protection</p> <ul style="list-style-type: none">• section 964(1), for the purposes of heritage conservation planning for an area identified in the bylaw, permits the local government, by bylaw, to declare a heritage control period with respect to the area;• section 964(2), a bylaw under subsection 964(1) must specify the length of the heritage control period, which period may not be longer than one year from the date of adoption of the bylaw;• section 964(3), a bylaw under subsection 964(1) may do one or more of the following:<ul style="list-style-type: none">a) identify types of landscape features that are included in the protection under this section;b) specify types of alterations to property that are allowed without obtaining a heritage alteration permit;c) establish policies regarding the issuance of a heritage alteration permit in relation to property within the area covered by the bylaw;• section 964(4), during a heritage control period under subsection (1), property within the area covered by the bylaw is subject to temporary protection in accordance with section 965;• section 964(5), a heritage control period under this section may be declared once only during any 10 year period for an area or portion of an area;• <p>Heritage Revitalization Agreements</p> <ul style="list-style-type: none">• section 966(1), a local government may, by bylaw, enter into a heritage revitalization agreement under this section with the owner of heritage property; Note: section 966 amended by 1999-38-55 (in force December 2, 1999 by B.C. Reg. 406/99), 2000-7-181 (in force January 1, 2001 by B.C. Reg. 399/00), 2003-52-404 (in force January 1, 2004 by B.C. Reg. 465/03, repealing B.C. Reg. 428/03), 2003-72-20 (in force November 17, 2003 on Royal Assent), 2004-44-128 (in force December 31, 2004 by B.C. Reg. 547/04) and B.C. Reg. 5/10 under R.S.1996-238-11(3) (in force January 14, 2010 by B.C. Reg. 5/10); <p>Heritage Designation Protection</p> <ul style="list-style-type: none">• section 967(1), a local government may, by bylaw, on terms and conditions it considers appropriate, designate real property in whole or in part as protected under this section if the local government considers that:<ul style="list-style-type: none">a) the property has heritage value or heritage character; orb) designation of the property is necessary or desirable for the conservation of a protected heritage property.
--	--	---

		<ul style="list-style-type: none"> • section 968 procedure to be followed, including notice and a report required to be prepared by the local government regarding the heritage property; (section 968 as amended by 2008-5-87 (in force March 31, 2008 on Royal Assent)); <p>Heritage Conservation Areas</p> <ul style="list-style-type: none"> • sections 970.1 and 971 procedures to be followed for how an official community plan may designate an area as a heritage conservation area; <p>Heritage Alteration Permits</p> <ul style="list-style-type: none"> • section 972, permits a local government, or its delegate, to issue a heritage alteration permit authorizing alterations or other specified actions.
--	--	--

XX	XXXX	<p>Water Act, R.S.B.C. 1996, c. 483:</p> <ul style="list-style-type: none"> • section 1 "municipality" includes a regional district; • section 7(c) permits a municipality to acquire licenses regarding water; • section 22 following persons must keep the prescribed records and any other records that the comptroller, a regional water manager or an engineer directs, and must produce those records for inspection when required: <ul style="list-style-type: none"> a) an applicant; b) a licensee; c) a holder of an approval; d) a person who, in accordance with the regulations or an order, makes changes in and about a stream or diverts or uses water; • section 89 provides power for a comptroller, a regional water manager or an engineer to hold an inquiry and summon witnesses and records; • section 89.2 provides that contempt proceedings for uncooperative persons, including requiring records to be produced, may be pursued in the Supreme Court by the comptroller, a regional water manager or an engineer; • section 93(3) provides that a person commits an offence who: <ul style="list-style-type: none"> (l) willfully submits a false or misleading log, record, report, form or return, or records false or misleading information required to be submitted or recorded under this Act;
----	------	--

FNPS
June 24, 2011

		<p>(m) fails to submit, produce or retain a log, record, report, form or return required to be submitted, produced or retained under this Act;</p> <ul style="list-style-type: none"> • section 93(4) provides that a person who commits an offence under this section is liable on conviction to the following: <ul style="list-style-type: none"> (a) in the case of an offence that is not a continuing offence, a fine of not more than \$200,000 or imprisonment for not longer than 6 months, or both; (b) in the case of a continuing offence, a fine of not more than \$200,000 for each day the offence is continued or imprisonment for not longer than 6 months, or both.
XX	XXXX	<p>Local Government Act, R.S.B.C. 1996, c. 323:</p> <ul style="list-style-type: none"> • section 899(1) a local government that has adopted a zoning bylaw must, by bylaw, establish a board of variance; • section 900(4) a board of variance must maintain a record of all its decisions and must ensure that the record is available for public inspection during normal business hours.

XX	XXXX	<p><i>Local Government Act</i>, R.S.B.C. 1996, c. 323:</p> <ul style="list-style-type: none"> • section 952(1) permits the Ombudsperson to investigate complaints about decisions made by a local government under Part 27 (Heritage Conservation) or about procedures used by a local government under Part 27; • section 952(2), subsection 952(1) does not authorize the Ombudsperson to investigate an issue involving compensation for reduction in the market value of real property caused by a designation under section 967; Note: section 952 amended by: 2009-21-4, Schedule 1 (in force October 29, 2009 on Royal Assent) and 2009-21-5, Schedule 2 (in force October 29, 2009 on Royal Assent), both amendments replacing "Ombudsman" wherever it appears and substituting "Ombudsperson" as a result of the change name to the <i>Ombudsperson Act</i>; • section 952(3) the <i>Ombudsperson Act</i>, other than section 11(1)(a) of that Act, applies to investigations under this section and, for that purpose, a local government is deemed to be an authority as defined in that Act; • section 952(4) provide that, during an investigation under this section and for up to 6 months after the completion of the investigation if the Ombudsperson considers the matter to be unresolved, the Ombudsperson may direct that a local government or the complainant, or both, must not take any action on matters specified by the Ombudsperson;
----	------	--

- section 952(5) if the Ombudsperson makes a recommendation under section 23 or 24 of the *Ombudsperson Act* regarding an investigation under this section and no action that the Ombudsperson believes adequate or appropriate is taken by a local government within a reasonable time, the Ombudsperson may make a report to the Lieutenant Governor in council of the recommendation and such additional comments as the Ombudsperson considers appropriate;
- section 952(6) on receipt of a report from the Ombudsperson, the Lieutenant Governor in council may make an order that the Lieutenant Governor in council believes is in the public interest, and the order is binding on a local government;
- section 952(7) nothing in this section diminishes the authority of the Ombudsperson under the *Ombudsperson Act*;

Ombudsperson Act, R.S.B.C. 1996, c. 340:

- section 35, item 4, a municipality is added as an authority under the *Ombudsperson Act*;
- section 14(1) requires the Ombudsperson to notify an authority in the event of investigation of that authority;
- section 14(3) requires that, if before making a decision respecting a matter being investigated, the Ombudsperson receives a request for consultation from the authority, the Ombudsperson must consult with the authority;
- section 15 provides the Ombudsperson with broad powers to obtain information from an authority, including receiving documents or receiving copies of information or documents;
- section 32 makes it an offence for failing to comply with the Ombudsperson's powers, including intentionally making a false statement to the Ombudsperson.

Note: The *Ombudsman Amendment Act, 2009*, S.B.C. 2009, c. 21 (Bill 12) changed the name of this statute to the *Ombudsperson Act*. Section 2 of Bill 12 struck out "Ombudsman" wherever it appears and substituted "Ombudsperson" (in force October 29, 2009 on Royal Assent).

PART 3
Legal Limitation Periods

LEGAL CITATION NUMBER	PRIMARY NUMBER	SUMMARY OF LEGAL LIMITATION PERIOD
XX	XXXX	<p>The Canadian (federal) Copyright Act, [R.S., 1985, c. C-42]:</p> <ul style="list-style-type: none"> • section 41 provides that the limitation period for civil remedies is 3 years; • section 42(4) sets the limitation period for proceedings by summary conviction is 2 years after the time when the offence was committed. <p>The Canadian (federal) Industrial Design Act, [R.S., 1985, c. 1-8] in section 18 states that the limitation period for infringement is 3 years.</p> <p>The Canadian (federal) Patent Act, [R.S., 1985, c. P-4] in section 55.01 states that the limitation period for infringement is 6 years.</p> <p>The Canadian (federal) Trade-marks Act, [R.S., 1985, c. T-13] in section 38(1) states that, within 2 months after the advertisement of an application for the registration of a trade-mark, any person may file a statement of opposition with the Registrar.</p>
XX	XXXX	<p>Insurance (Vehicle) Act, R.S.B.C. 1996, c. 231 in section 17 provides that legal actions against the corporation regarding benefits, insurance money or indemnification payable under the plan must be commenced within 1 year after the happening of the loss or damage or after the cause of action arose, or as the regulations may provide in the case of any coverage, but not afterwards.</p>
XX	XXXX	<p>In Canadian (federal legislation), the Employment Insurance Act, [1996, c. 23]:</p> <ul style="list-style-type: none"> • section 40 states that the limitation on imposition of penalties is 3 years; • section 102(4) states that the limitation for making an information or complaint for an offence is within 5 years after the subject-matter of the information or complaint arose; • section 125(4) states that the limitation of prosecutions is 5 years.
XX	XXXX	<p>In Canadian (federal legislation), the Excise Tax Act, [R.S., 1985, c. E-15] in section 81.11(2) provides that no assessment shall be made more than 4 years after tax, penalty, interest or sum became payable.</p> <p>In Canadian (federal legislation), the Income Tax Act, [R.S.C. 1985, c. 1 (5th Supp.)]:</p> <ul style="list-style-type: none"> • section 222(4) provides that the limitation period to collect tax debts is 10 years; • section 244(4) provides that the limitation period for summary conviction offenses under the <i>Criminal Code</i> is 8 years.

FNPS
June 24, 2011

XX	XXXX	<p>Canada Pension Plan, [R.S., 1985, c. C-8], as amended:</p> <ul style="list-style-type: none"> • section 90 provides that the limitation period for proceedings under the Act is 5 years; • section 103 provides that the limitation period for prosecutions under the Act is 5 years.
XX	XXXX	<p>Limitation Act, R.S.B.C. 1996, c. 266:</p> <ul style="list-style-type: none"> • section 3(2) imposes a 2 year limitation on court actions to enforce claims for payment like contract or tort; • section 3(3) imposes a 10 year limitation on actions like a local judgment for the payment of money; • section 3(5) imposes a 6 year limitation on other actions like recovery of debts; • section 5 regulates confirmation of a cause of action; • section 6 postpones or suspends the running of time in specific situations; • section 7 postpones or suspends the running of time for persons who are minors or incapable; • section 8 provides that the ultimate limitation is 30 years. <p>Local Government Act, R.S.B.C. 1996, c. 323:</p> <ul style="list-style-type: none"> • section 285 provides that the limitation period for actions a municipality is 6 months; • section 286 provides that a municipality has immunity unless notice given to the municipality 2 months after damage.
XX	XXXX	<p>Insurance Act, R.S.B.C. 1996, c. 226 in section 22 requires that an action on a contract must be commenced within 1 year after the furnishing of reasonably sufficient proof of loss or claim.</p>

END

