

**BILL 4 – 2021**  
**BUDGET MEASURES**  
**IMPLEMENTATION ACT, 2021**

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

*Assessment Act*

**1** *Section 1 (1) of the Assessment Act, R.S.B.C. 1996, c. 20, is amended by adding the following definition:*

**“electronic transmission”** means

- (a) the transmission of a notice by electronic means, or
- (b) the provision of access to a notice by electronic means; .

**2** *Section 3 is amended*

**(a) in subsection (1) (b) by striking out “mail a notice of assessment” and substituting “deliver an assessment notice”,**

**(b) in subsection (3) by striking out “notice of assessment” and substituting “assessment notice”,**

**(c) in subsection (7) by striking out “not known to the assessor or is not recorded” and substituting “not known to the assessor and is not recorded”, and**

**(d) by adding the following subsection:**

(8) The assessment notice must be delivered to the person named in the assessment roll

- (a) by mail at the address on the assessment roll, or
- (b) by electronic transmission, if the person provides authorization under section 65.1 (1) (a), using the email address provided under section 65.1 (2).

**3** *Section 6 is amended*

**(a) in subsection (3) by striking out “mail an assessment notice” and substituting “deliver an assessment notice”, and**

*(b) in subsection (5) by striking out “assessment notice sent by the assessor” and substituting “assessment notice delivered by the assessor”.*

**4** *Section 11 (a) (iii) is amended by striking out “mail the notice” and substituting “deliver the notice”.*

**5** *Section 15 (2) is repealed and the following substituted:*

(2) At any time, an authorized person may by written notice require a person who owns, occupies or disposes of property to provide to the authorized person, within 21 days of the date on which the notice is sent or a longer period specified in the notice, information for any purpose related to the administration of this Act.

**6** *Section 21 (5) is amended by striking out “following receipt of the assessment notice” and substituting “following delivery of the assessment notice”.*

**7** *The following section is added to Part 8:*

**Authorization for electronic transmission of notices**

**65.1** (1) A person may,

(a) if the assessment authority provides for electronic transmission, authorize, in writing, the assessment authority to electronically transmit a notice under this Act to the person, and

(b) at any time, in writing, withdraw the authorization provided under paragraph (a).

(2) If a person provides an authorization under subsection (1) (a), the person must provide to the assessment authority an email address for the purposes of electronic transmission.

**8** *Section 68 (2) (a) (iii) is amended by striking out “through the B.C. OnLine information service” and substituting “through the B.C. OnLine information service or through another electronic information service used by the assessment authority”.*

***Carbon Tax Act***

**9** *Section 57 (7) of the Carbon Tax Act, S.B.C. 2008, c. 40, is repealed.*

**10** *Section 71 (1) is amended by adding the following paragraph:*

(c.1) to an official or employee of the ministry of the minister for the purposes of the formulation or evaluation of fiscal policy, .

**11 The Table in Schedule 1 is amended**

**(a) by repealing the heading to column 11 and substituting the following:**

Rate of tax for the period starting April 1, 2020 and ending March 31, 2022 , and

**(b) by repealing the heading to column 12 and substituting the following:**

Rate of tax for the year starting April 1, 2022 and each subsequent year starting April 1 .

**12 The Table in Schedule 2 is amended**

**(a) by repealing the heading to column 10 and substituting the following:**

Rate of tax for the period starting on April 1, 2020 and ending on March 31, 2022 , and

**(b) by repealing the heading to column 11 and substituting the following:**

Rate of tax for the year starting on April 1, 2022 and each subsequent year starting on April 1 .

***Employer Health Tax Act***

**13 The Employer Health Tax Act, S.B.C. 2018, c. 42, is amended by adding the following Part:**

**PART 2.1 – INCREASED EMPLOYMENT CREDIT**

**Definitions**

**30.01** In this Part:

“**associated employers**”, in relation to an employer, means all of the following:

(a) the employer;

(b) all of the employers that were associated with the employer referred to in paragraph (a) on December 31, 2020;

“**base period**” means the period beginning on July 1, 2020 and ending on September 30, 2020;

“**base period remuneration**” means the total of all eligible remuneration paid by an employer to or on behalf of an eligible employee in respect of all weeks in the base period;

“**determination**”, in relation to a determination under this Part, includes a redetermination;

“**eligible employee**” has the meaning set out in section 30.03 [*eligible employee*];

“**eligible remuneration**” has the meaning set out in section 30.04 [*eligible remuneration*];

“**increased employment credit**” means a deemed overpayment under this Part, calculated under section 30.08 [*calculation of increased employment credit*];

**“normal redetermination period”** means the period referred to in section 30.09 (1) (b) [*determinations – general rule*];

**“public institution”** has the same meaning as in section 125.7 of the *Income Tax Act* (Canada), but does not include the following:

- (a) a corporation that meets all of the following conditions:
  - (i) the corporation is a corporation described in section 149 (1) (d.5) of the *Income Tax Act* (Canada);
  - (ii) not less than 90% of the shares, or the capital, of the corporation are owned by one or more Aboriginal governments, as defined in section 241 (10) of the *Income Tax Act* (Canada), or similar Indigenous governing bodies, described in section 149 (1) (c) of the *Income Tax Act* (Canada);
  - (iii) the corporation carries on a business;
- (b) a corporation that meets all of the following conditions:
  - (i) the corporation is a corporation described in section 149 (1) (d.6) of the *Income Tax Act* (Canada);
  - (ii) all of the shares, except directors’ qualifying shares, or the capital, of the corporation are owned by one or more of
    - (A) an Aboriginal government, as defined in section 241 (10) of the *Income Tax Act* (Canada), or a similar Indigenous governing body, described in section 149 (1) (c) of the *Income Tax Act* (Canada), or
    - (B) a corporation described in this paragraph or paragraph (a);
  - (iii) the corporation carries on a business;

**“qualifying period”** means the period beginning on October 1, 2020 and ending on December 31, 2020;

**“qualifying period remuneration”** means the total of all eligible remuneration paid by an employer to or on behalf of an eligible employee in respect of all weeks in the qualifying period;

**“registered political party”** means

- (a) a political party registered under Part 9 [*Registration of Political Parties and Constituency Associations*] of the *Election Act*, or
- (b) a registered party, as defined in the *Canada Elections Act*;

**“remuneration”** does not include any of the following:

- (a) an amount received or deemed to have been received by an employee under section 7 of the *Income Tax Act* (Canada);
- (b) an amount, in respect of the base period or the qualifying period, paid by an employer to or on behalf of an employee after June 30, 2021;

- (c) an amount paid to or on behalf of an employee in lieu of notice of termination;

**“report for work in British Columbia”** means, in respect of an employee,

- (a) to work in person at a permanent establishment of the employee’s employer in British Columbia,
- (b) to be physically present in British Columbia for the performance of the employee’s duties and be paid from or through a permanent establishment of the employer in British Columbia, or
- (c) if the employee is on paid leave from the employer,
  - (i) to have worked for the employer as described in paragraph (a) immediately before the start of the leave, or
  - (ii) to have worked for the employer as described in paragraph (b) immediately before the start of the leave and to be paid, while on leave, from or through a permanent establishment of the employer in British Columbia.

**Employer eligibility for increased employment credit**

- 30.02** (1) Subject to subsection (2), the following employers are not eligible for an increased employment credit:
- (a) a registered political party;
  - (b) a public institution.
- (2) An employer that operates a private school or private college, within the meaning of section 8901.1 of the *Income Tax Regulations (Canada)*, is eligible for an increased employment credit.
- (3) A partnership is not eligible for an increased employment credit if 50% or more of the fair market value of all interests in the partnership is held, at any time during the period beginning on July 1, 2020 and ending on December 31, 2020, directly or indirectly, by one or more persons that are
- (a) a registered political party, or
  - (b) a public institution, other than an Aboriginal government, as defined in section 241 (10) of the *Income Tax Act (Canada)*, or a similar Indigenous governing body, described in section 149 (1) (c) of the *Income Tax Act (Canada)*.

**Eligible employee**

- 30.03** (1) Subject to subsection (2), an employee is an eligible employee of an employer for the purposes of this Part when the employee is reporting for work in British Columbia during the base period or the qualifying period.

- (2) An employee is not an eligible employee if both of the following circumstances apply:
  - (a) the employee does not deal with the employer at arm's length;
  - (b) the employee was not an employee of the employer on July 1, 2020.

**Eligible remuneration**

- 30.04** (1) Subject to subsections (2) and (3) and for the purposes of this Part, eligible remuneration is remuneration paid by an employer to or on behalf of an eligible employee in respect of all days in a week in the base period or the qualifying period, as applicable, on which the employee reported for work in British Columbia.
- (2) The remuneration described in subsection (1) is deemed to be the lesser of
    - (a) the remuneration paid by the employer to or on behalf of the employee in respect of the days in the week on which the employee reported for work in British Columbia, and
    - (b) \$1 129.33.
  - (3) If the base period or the qualifying period begins or ends during a week,
    - (a) the amount under subsection (2) (a) only includes the remuneration paid to or on behalf of the employee in respect of the days of that week that fall within the relevant period, and
    - (b) the amount under subsection (2) (b) is prorated for that week by the number of days of that week that fall within the relevant period.

**Associated employers**

- 30.05** (1) Despite section 14 (2) [*application of Division 3*], in determining whether two or more employers are associated with one another for the purposes of this Part, sections 15 [*application of federal provisions – associated employers*] and 16 (1), (2) and (3) (a) [*other rules – associated employers*] apply.
- (2) For the purposes of this Part, if two or more employers are associated with one another and employ the same eligible employee in the base period or the qualifying period,
    - (a) only one of the associated employers may claim an increased employment credit in respect of that employee,
    - (b) the associated employer that claims an increased employment credit in respect of that employee is deemed to have paid all of the remuneration paid to or on behalf of that employee in respect of the base period or the qualifying period by all of the associated employers, and
    - (c) the associated employer that claims the increased employment credit in respect of that employee must file with the commissioner a written agreement described in subsection (3).

- (3) A written agreement referred to in subsection (2) (c) must
  - (a) describe which of the associated employers will claim an increased employment credit with respect to the employee who is employed by two or more of the associated employers, and
  - (b) be in the form, and contain any further information, required by the commissioner.

**Application for increased employment credit**

- 30.06** (1) An employer that wishes to claim an increased employment credit must
  - (a) file an application electronically in the form and manner required by the commissioner, and
  - (b) file with the application any other information or records required by the commissioner.
- (2) An application under this section must be filed on or before December 31, 2021.

**Determination of increased employment credit**

- 30.07** (1) On receiving an application under section 30.06, the commissioner must examine the application, and any other information or records filed with the application, and determine
  - (a) whether the applicant is eligible for an increased employment credit, and
  - (b) if the applicant is eligible, the amount of the applicant's increased employment credit in accordance with section 30.08.
- (2) In making a determination, the commissioner is not bound by an application filed under this Part or any other information or records supplied under this Act.
- (3) Subject to being amended or varied on appeal or by a redetermination, a determination is valid and binding despite any error, defect or omission in the determination or in procedure.

**Calculation of increased employment credit**

- 30.08** (1) The amount of the increased employment credit is determined by the following formula:

$$\text{amount} = (\text{qualifying amount} - \text{base amount}) \times 15\%$$

where

qualifying amount = the total of all qualifying period remuneration paid to all of an employer's eligible employees;

base amount = the total of all base period remuneration paid to all of an employer's eligible employees.

- (2) An overpayment of the amount calculated under subsection (1) on account of an employer's liability under this Act for the 2020 calendar year is deemed to have arisen if
  - (a) an employer has applied under section 30.06 [*application for increased employment credit*] for an increased employment credit,
  - (b) the employer is eligible for an increased employment credit, and
  - (c) the amount calculated under subsection (1) is greater than zero.
- (3) A deemed overpayment under subsection (2) arises even if no tax is payable under this Act by the employer for the 2020 calendar year.

**Determinations – general rule**

- 30.09** (1) The commissioner may make a determination
- (a) at any time, if
    - (i) the applicant, or a person filing the applicant's application for an increased employment credit, has made any misrepresentation or committed any fraud in filing the application or in supplying, at any time, other information or records, or
    - (ii) a waiver filed under subsection (2) by the applicant is in effect at that time, or
  - (b) within 6 years after the date of the original notice of determination, in any other case.
- (2) An applicant may file a waiver with the commissioner before the expiration of the normal redetermination period.
  - (3) A waiver filed under subsection (2) continues in effect until 6 months after the applicant files with the commissioner a notice revoking the waiver.
  - (4) A waiver filed under subsection (2) and a notice filed under subsection (3) must be filed in the form and manner, and containing the information, required by the commissioner.
  - (5) Despite subsection (1), a determination to which subsection (1) (a) (i) or (ii) applies may be made after the applicant's normal redetermination period, but only to the extent that the determination can reasonably be considered as relating to,
    - (a) if subsection (1) (a) (i) applies, any misrepresentation made by the applicant, or a person filing the applicant's application for an increased employment credit, or any fraud committed by the applicant or that other person in filing the application or in supplying any other information or records under this Act, or
    - (b) if subsection (1) (a) (ii) applies, a matter specified in the waiver filed with the commissioner.



- (6) The authority of the commissioner to make a determination under section 30.10 [*consequential determinations – income taxes*] or 30.11 [*consequential redeterminations after appeal*]
  - (a) is in addition to the authority to make a determination under section 30.07 [*determination of increased employment credit*] or this section,
  - (b) is not limited by the authority to make a determination under section 30.07 [*determination of increased employment credit*] or this section, and
  - (c) does not limit the authority to make a determination under section 30.07 [*determination of increased employment credit*] or this section.

**Consequential determinations – income taxes**

- 30.10** (1) Subsection (2) applies in relation to an applicant under this Part if
- (a) the applicant is issued a notice of assessment, reassessment or additional assessment under the *Income Tax Act* (Canada), and
  - (b) an amount relevant in calculating the amount of the applicant's increased employment credit would be changed if a determination were made under this Part.
- (2) If this subsection applies,
- (a) the applicant must file with the commissioner
    - (i) a notice, in the form and manner and containing the information, required by the commissioner, and
    - (ii) any other information or records required by the commissioner to be filed with the notice, and
  - (b) the commissioner may, subject to subsection (4), make a determination, but only to the extent that the determination can reasonably be considered as relating to the assessment, reassessment or additional assessment under the *Income Tax Act* (Canada).
- (3) The applicant must file the notice, and any other information and records, referred to in subsection (2) (a) on or before the later of
- (a) September 30, 2021, and
  - (b) the date that is 90 days after the applicant receives the notice referred to in subsection (1) (a).
- (4) The commissioner may make a determination under subsection (2) (b) only before the later of
- (a) the last day of the normal redetermination period, and
  - (b) the end of the day that is one year after the day that is the earlier of
    - (i) the day that the commissioner is notified under subsection (2) (a), and

- (ii) the day that the commissioner is otherwise notified of the assessment, reassessment or additional assessment under the *Income Tax Act* (Canada).

**Consequential redeterminations after appeal**

- 30.11** (1) This section applies in relation to a person if
- (a) a court has, on the disposition of an appeal by the person in respect of a determination,
    - (i) allowed the appeal,
    - (ii) varied the decision from which the appeal was made, or
    - (iii) referred the decision back to the commissioner for reconsideration, and
  - (b) any further appeal is disposed of or the time for filing any further appeal has expired.
- (2) If this section applies in relation to a person, the commissioner must make a redetermination in accordance with the decision of the court.

**Notice of determination**

- 30.12** (1) After the commissioner makes a determination in respect of an applicant, the commissioner must give the applicant a notice of determination.
- (2) Despite section 92 (4) [*how and when documents are given by commissioner*], if a notice of determination is sent by ordinary mail, registered mail or electronic mail, the notice, for the purposes of this Act, is deemed to have been given on the date of that notice.

**Payment of increased employment credit**

- 30.13** (1) Without limiting section 69 [*refund of overpayment*], if an overpayment is deemed to have arisen under section 30.08 [*calculation of increased employment credit*], the minister, on the certificate of the commissioner as to facts, must refund out of the consolidated revenue fund to the employer the amount of the overpayment.
- (2) Despite subsection (1), if there is an amount owing to the government under this Act by the employer, the amount overpaid must first be applied in satisfaction of the amount owing, and notice must be given to the employer, accompanied by the refund of the amount overpaid and remaining unapplied.
- (3) Despite subsections (1) and (2), if the amount to be refunded under subsection (1) or (2) is less than \$10, the amount overpaid, and, in the case of subsection (2), remaining unapplied, is deemed to be zero.
- (4) The amount payable under subsection (1) must be paid by electronic funds transfer.

- (5) Despite the *Financial Administration Act* and the Interest on Overdue Accounts Payable Regulation, B.C. Reg. 215/83, no interest is payable by the government with respect to the amount payable under subsection (1).

**Anti-avoidance rule**

**30.14** In applying section 53 [*anti-avoidance rule*] for the purposes of this Part, the following rules apply:

- (a) a reference in that section to a “tax benefit” includes an increased employment credit to which an employer is not entitled, or an increased employment credit amount that is greater than the amount to which an employer is entitled;
- (b) in the definition of “tax consequences”, the reference to “BC remuneration” is to be read as a reference to “increased employment credit”;
- (c) in subsection (3), the reference to “by assessment” is to be read as a reference to “by determination”.

**Gross negligence – increased employment credit**

**30.15** (1) If an employer knowingly, or under circumstances amounting to gross negligence, makes, or participates in, assents to or acquiesces in the making of, a false statement or an omission in an increased employment credit application or other record filed or supplied or in information supplied under this Part, the employer is liable to a penalty equal to the greater of

- (a) \$100, and
- (b) 50% of the amount by which the amount of an increased employment credit calculated on the basis of the false statement or omission exceeds the amount of the increased employment credit calculated on the basis of accurate and complete information.

(2) An employer must pay to the government interest on a penalty under subsection (1) from the date on which the application or other record was filed or supplied, or the date on which the information was supplied, until the date of payment.

**Misrepresentation by third party – increased employment credit**

**30.16** In applying section 163.2 (5) of the *Income Tax Act* (Canada) for the purposes of this Part, the following rules apply:

- (a) section 163.2 (5) of the *Income Tax Act* (Canada) is to be read as if the reference to “subsection 163 (2)” were a reference to section 30.15 [*gross negligence – increased employment credit*] of this Act;

- (b) section 163.2 (5) of the *Income Tax Act* (Canada) is to be read as if the reference to “a return filed for the purposes of this Act” were a reference to “an application for an increased employment credit or other record filed or supplied or in information supplied under this Part”.

**Excess refund – increased employment credit**

- 30.17** (1) If it appears from an inspection, audit, examination or investigation or from other information available to the commissioner that, under section 30.13 (1) [*payment of increased employment credit*], an amount has been refunded to an employer in excess of the amount to which the employer was entitled under this Part, the excess is deemed to be an amount that became payable to the government by the employer on the day on which the amount was refunded.
- (2) If an amount applied under section 30.13 (2) [*payment of increased employment credit*] to an amount owing by an employer is in excess of the amount to which the employer is entitled as a refund under this Act, this section applies in respect of the amount applied as if that amount had been refunded to the employer on the day the amount was applied to the amount owing.
- (3) The commissioner may at any time assess a person for any amount payable under subsection (1) or (2).
- (4) In applying Division 3 [*Assessments*] of Part 3 [*Administration and Enforcement*] for the purposes of this Part, “assessable amount”, in relation to a person, is deemed to include an amount payable under this section by the person.

**Interest**

- 30.18** If an amount is deemed under section 30.17 to be an amount payable by an employer, the employer is liable to pay interest on the amount from the date the amount became payable under that section until the date of payment.

**Appeals**

- 30.19** (1) In applying Part 4 [*Appeals*] for the purposes of this Part, the following rules apply:
- (a) Part 4 is to be read as if the references to an “assessment” were references to a determination under this Part;
- (b) section 75 (5) [*appeal to minister*] is to be read as if the reference to section 49 [*assessments of other amounts payable*] were a reference to section 30.17 [*excess refund – increased employment credit*].
- (2) Despite section 75 (2) [*appeal to minister*], for the purposes of this Part, written notice of an appeal must be given to the minister after April 20, 2021 and on or before the later of
- (a) September 30, 2021, and

- (b) the date that is 90 days after the date of the notice of determination in respect of the matter being appealed.

**14 The following sections are added to Part 2.1:**

**Offences – increased employment credit**

**30.20** Without limiting section 99 [*general offences*], a person who does any of the following commits an offence:

- (a) destroys, alters, mutilates, hides or otherwise disposes of a record, to obtain or claim an increased employment credit to which a person is not entitled, or in an amount that is greater than that amount to which a person is entitled, under this Part;
- (b) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive entry in a record related to an application for an increased employment credit under this Part;
- (c) makes or uses, or participates in, assents to or acquiesces in the making or use of, a record in a false or deceptive manner in order to obtain or claim an increased employment credit to which a person is not entitled, or in an amount greater than that amount to which a person is entitled, under this Part;
- (d) wilfully, in any manner, attempts to obtain or claim an increased employment credit to which a person is not entitled, or in an amount that is greater than the amount to which a person is entitled, under this Part;
- (e) conspires with any person to do anything described in paragraphs (a) to (d).

**Penalties – increased employment credit**

**30.21** In applying section 100 [*penalties*] for the purposes of this Part, the following rules apply:

- (a) a reference to “an offence under section 99” is to be read to include an offence under section 30.20;
- (b) a reference to “the amount of tax that was sought to be evaded” is to be read as “the amount of increased employment credit to which a person is not entitled, or that is greater than that amount to which a person is entitled”.

**15 The following sections are added to Part 2.1:**

**Assessment of assessable amount**

**30.22** (1) Subject to subsection (2), the commissioner may assess an employer for an assessable amount at any time after receiving an application under this Part from the employer.

- (2) In applying section 50 (1) *[assessments of penalties and interest]* for the purposes of this Part,
- (a) a reference to section 46 *[assessments – general rules]* is to be read as a reference to section 30.09 *[determinations – general rule]*,
  - (b) a reference to section 47 *[consequential assessments – income taxes]* is to be read as a reference to section 30.10 *[consequential determinations – income taxes]*, and
  - (c) a reference to section 48 *[consequential reassessments after appeal]* is to be read as a reference to section 30.11 *[consequential redeterminations after appeal]*.

**Information sharing**

**30.23** An applicant under this Part is deemed to be a taxpayer for the purposes of sections 90 *[communication of information]* and 91 *[information-sharing agreements]*.

**Repeal by regulation**

**30.24** After December 31, 2024, the Lieutenant Governor in Council may repeal this Part and section 107.01 *[retroactive regulations]* by regulation.

**16** *Section 76 (8) is repealed.*

**17** *Section 90 is amended*

- (a) *in subsection (2) by striking out* “Except as authorized by this section, an official must not” *and substituting* “Despite any other enactment or law, except as authorized by this section an official must not”, *and*
- (b) *in subsection (5) (j) by striking out* “under an enactment” *and substituting* “under a prescribed enactment”.

**18** *The following section is added to Part 8:*

**Retroactive regulations**

**107.01** A regulation made in respect of Part 2.1 *[Increased Employment Credit]* may be made retroactive to March 30, 2021 or a later date, and if made retroactive is deemed to have come into force on the specified date.

***Forest Act***

**19** *Section 142.91 (7) of the Forest Act, R.S.B.C. 1996, c. 157, is repealed.*

***Home Owner Grant Act***

**20** *Section 13.1 of the Home Owner Grant Act, R.S.B.C. 1996, c. 194, is amended*

**(a)** *in subsections (2) and (3) by adding the following paragraph:*

(a.1) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy, , **and**

**(b)** *in subsections (4) and (4.1) by striking out “or” at the end of paragraph (a) and by adding the following paragraph:*

(a.1) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy, or .

***Hydro and Power Authority Act***

**21** *Section 32 (7) of the Hydro and Power Authority Act, R.S.B.C. 1996, c. 212, is amended by adding the following paragraph:*

(f.1) the *Employer Health Tax Act*; .

***Income Tax Act***

**22** *Section 8.1 (2) of the Income Tax Act, R.S.B.C. 1996, c. 215, is amended by striking out “subsection (3)” and substituting “subsections (3), (3.001), (3.02) and (4.1)”.*

**23** *Section 25.1 is amended by adding the following subsection:*

(7.2) The time limit of 18 months referred to in subsection (7.1) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.

**24** *Section 56 (1) is amended by striking out “153 (1) to (3.1)” and substituting “153 (1), (1.01) and (1.1) to (3.1)”.*

**25** *Section 64 is amended*

**(a)** *in subsection (2) by striking out “Except as authorized by this section, an official must not” and substituting “Despite any other enactment or law, except as authorized by this section an official must not”, and*

**(b)** *in subsection (5) (j) by striking out “under an enactment” and substituting “under a prescribed enactment”.*

- 26 Section 64 (5) (c) is amended by adding the following subparagraph:**
- (i.2) to an official of the Department of Employment and Social Development of the Government of Canada, solely for the purposes of the administration or enforcement of Part VIII.4 of the *Employment Insurance Act* (Canada), .
- 27 Section 85 is amended by adding the following subsection:**
- (2.1) The time limit of 36 months referred to in subsection (2) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.
- 28 Section 103 is amended by adding the following subsection:**
- (3) The time limit of 18 months referred to in subsection (2) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.
- 29 Section 111 (1) is amended in the definition of “CBF contribution” by striking out “April 1, 2021” and substituting “April 1, 2026”.**
- 30 Section 114 is amended by adding the following subsection:**
- (3) The time limit of 18 months referred to in subsection (2) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.
- 31 Section 128 is amended by adding the following subsection:**
- (3) The time limit of 36 months referred to in subsection (2) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.
- 32 Section 138 is amended by adding the following subsection:**
- (3) The time limit of 18 months referred to in subsection (2) is extended by 6 months or until December 31, 2020, whichever extension is shorter, if the time limit would otherwise expire during the period beginning on March 13, 2020 and ending on December 30, 2020.
- 33 Sections 202 (8) and 229 (8) are repealed.**



**34 Section 215 is amended**

- (a) in subsection (1) (a) by striking out “either of the following applies” and substituting “any of the following applies”,**
- (b) in subsection (1) (a) (ii) (B) by adding “on the date the individual’s application for the emergency benefit was filed under section 216 of this Act” after “with that Act”, and**
- (c) in subsection (1) (a) by adding the following subparagraph:**
  - (iii) the individual
    - (A) is entitled to receive an employment insurance emergency response benefit under Part VIII.4 of the *Employment Insurance Act* (Canada), and
    - (B) has not repaid or is not required to repay all of the employment insurance emergency response benefits received under Part VIII.4 of the *Employment Insurance Act* (Canada); .

**35 Section 215 is amended**

**(a) by adding the following subsection:**

- (1.1) An individual is eligible for an emergency benefit if the individual meets all the following requirements:
  - (a) the individual meets the requirements in subsection (1) (b) to (d);
  - (b) the individual receives an amount paid under section 218 even though, but for this subsection, the individual is not eligible for an emergency benefit;
  - (c) the individual
    - (i) receives an income support payment under the *Canada Emergency Response Benefit Act*, whether or not the individual has repaid or is required to repay all of the income support payments received under that Act,
    - (ii) would have been entitled to receive an income support payment under the *Canada Emergency Response Benefit Act* if
      - (A) that Act read in accordance with subsection (6) of this section and any further modifications under paragraph (d) of this subsection, and
      - (B) the individual had made an application in accordance with that Act, or

(iii) receives an employment insurance emergency response benefit under Part VIII.4 of the *Employment Insurance Act* (Canada), whether or not the individual has repaid or is required to repay all of the employment insurance emergency response benefit received under that Act;

(d) other prescribed requirements, including requirements that provide for modifications to how the *Canada Emergency Response Benefit Act* or the *Employment Insurance Act* (Canada) must be read. , **and**

**(b) in subsections (2) and (5) by striking out “Despite subsection (1)” and substituting “Despite subsections (1) and (1.1)”.**

**36 Section 219 (1) is amended by striking out “section 215 (1),” and substituting “section 215 (1) or (1.1).”**

**37 Section 219 (1) is amended**

**(a) in paragraph (a) by striking out “August 31, 2020” and substituting “June 30, 2021”, and**

**(b) in paragraph (b) by adding the following subparagraphs:**

(v) the date the individual repaid all of the employment insurance emergency response benefit under Part VIII.4 of the *Employment Insurance Act* (Canada);

(vi) the date the individual received notice that the Minister of Employment and Social Development for Canada has determined that the individual is not entitled to the employment insurance emergency response benefit payments the individual received under Part VIII.4 of the *Employment Insurance Act* (Canada).

**38 Section 238 is amended**

**(a) in subsection (1) by adding the following paragraph:**

(a.1) prescribing requirements for the purposes of section 215 (1.1) (d); , **and**

**(b) by adding the following subsection:**

(2.1) In making regulations under subsection (1) (a.1), the Lieutenant Governor in Council may make different regulations for different classes of individuals.

39 *The following Part is added:*

## **PART 15 – RECOVERY BENEFIT**

### **Definitions**

**240** (1) In this Part:

“**cohabiting spouse or common-law partner**” has the same meaning as in section 122.6 of the federal Act;

“**commissioner**” means the Commissioner of Income Tax;

“**determination**” includes a redetermination;

“**eligible relation**”, in relation to an individual, means

- (a) the eligible spouse of the individual,
- (b) another individual who, on December 18, 2020, is the cohabiting spouse or common-law partner of the individual, if that cohabiting spouse or common-law partner is, but for section 241 (1) (c) to (e) and (4), eligible for the recovery benefit, or
- (c) a child of the individual, if,
  - (i) for the month of January or February 2021, the child is a dependent child, within the meaning of the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, of the individual, or
  - (ii) on December 18, 2020,
    - (A) the child is less than 19 years of age,
    - (B) the child ordinarily resides with the individual,
    - (C) the individual is the parent who primarily fulfils the responsibility for the care and upbringing of the child and is not a shared-custody parent in respect of the child, and
    - (D) the child is not a person in respect of whom a special allowance under the *Children’s Special Allowances Act* (Canada) is payable for December 2020;

“**eligible spouse**”, in relation to an individual, means, subject to subsection (2), another individual who, for the month of January or February 2021, is the spouse, within the meaning of the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, of the individual;

**“family income”**, in relation to an individual, means the total of

- (a) the individual’s relevant income for the 2019 taxation year, and
- (b) the relevant income of the cohabiting spouse or common-law partner of the individual for the 2019 taxation year, if the cohabiting spouse or common-law partner is the individual’s qualified relation for the purposes of determining the amount of the recovery benefit under section 241 (1);

**“individual”** does not include a trust;

**“qualified relation”**, in relation to an individual, means

- (a) another individual who, on December 18, 2020, is the cohabiting spouse or common-law partner of the individual, if the cohabiting spouse or common-law partner is, but for section 241 (1) (c) to (e) and (4), eligible for the recovery benefit, or
- (b) a child of the individual, if, on December 18, 2020,
  - (i) the child is less than 19 years of age,
  - (ii) the child ordinarily resides with the individual,
  - (iii) the individual is the parent who primarily fulfils the responsibility for the care and upbringing of the child and is not a shared-custody parent in respect of the child,
  - (iv) the child is not eligible for the recovery benefit,
  - (v) the individual does not have a cohabiting spouse or common-law partner who is, but for section 241 (4), eligible for the recovery benefit, and
  - (vi) the child is not a person in respect of whom a special allowance under the *Children’s Special Allowances Act* (Canada) is payable for December 2020;

**“recovery benefit”** means the recovery benefit under this Part, or under section 241 (1) or (3) if specified, for the 2019 taxation year;

**“relevant income”**, in relation to an individual for the 2019 taxation year, means,

- (a) if section 114 of the federal Act applies to the individual in respect of the 2019 taxation year, the amount determined under section 114 (a) of the federal Act in respect of the individual for the 2019 taxation year,
- (b) if the individual was not resident in Canada at any time in the 2019 taxation year, the amount that would have been the individual’s income for the 2019 taxation year had the individual been resident in Canada throughout the 2019 taxation year,
- (c) in any other case but subject to paragraph (d), the individual’s income for the 2019 taxation year, or

(d) if the individual became bankrupt in 2019, the individual's income for all taxation years that end in 2019, including the individual's income for the taxation year before, during and after the period of bankruptcy and any amount determined under paragraph (a), (b) or (c);

**“shared-custody parent”** has the same meaning as in section 122.6 of the federal Act except that the reference to “qualified dependant” in that section is to be read as referring to a child who, on December 18, 2020, is less than 19 years of age.

(2) For the purposes of this Part, an individual is not an eligible spouse if information required by the commissioner in respect of that individual as an eligible spouse is not received by the commissioner on or before June 30, 2021.

#### **Eligibility for recovery benefit**

- 241** (1) Subject to subsection (2), an individual is eligible for the recovery benefit if the individual meets all the following requirements:
- (a) the individual is resident in British Columbia on December 18, 2020;
  - (b) the individual, on December 18, 2020,
    - (i) is at least 19 years of age, or
    - (ii) is less than 19 years of age and is
      - (A) a parent residing with the individual's child who is a qualified relation of the individual, or
      - (B) a cohabiting spouse or common-law partner of another individual;
  - (c) the individual
    - (i) has filed a return of income under section 150 of the federal Act for the 2019 taxation year, or
    - (ii) becomes resident in Canada after December 31, 2019;
  - (d) if the individual has a cohabiting spouse or common-law partner on December 18, 2020,
    - (i) the cohabiting spouse or common-law partner has filed a return of income under section 150 of the federal Act for the 2019 taxation year,
    - (ii) the individual has claimed a deduction under section 118 (1) (a) of the federal Act for the 2019 taxation year in respect of the cohabiting spouse or common-law partner, or
    - (iii) the cohabiting spouse or common-law partner was not resident in Canada at any time in the 2019 taxation year;
  - (e) the individual has applied for the recovery benefit in accordance with section 243 of this Act.

- (2) An individual is not eligible for the recovery benefit under subsection (1) if the individual
  - (a) is eligible for the recovery benefit under subsection (3),
  - (b) is, on December 18, 2020, a person described in section 149 (1) (a) or (b) of the federal Act,
  - (c) is deceased before December 18, 2020, or
  - (d) is confined to a prison or similar institution for a period of at least 90 days that includes December 18, 2020.
- (3) An individual is eligible for the recovery benefit if
  - (a) the individual receives any of the following for the month of January or February 2021:
    - (i) income assistance under the *Employment and Assistance Act*, other than a child who receives assistance under the authority of the Child in the Home of a Relative Program Transition Regulation, B.C. Reg. 48/2010;
    - (ii) a Provincial senior’s supplement under the *Employment and Assistance Act*;
    - (iii) disability assistance under the *Employment and Assistance for Persons with Disabilities Act*, other than a child who receives assistance under the authority of the Child in the Home of a Relative Program Transition Regulation, B.C. Reg. 48/2010;
    - (iv) hardship assistance under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, and
  - (b) the commissioner receives, on or before June 30, 2021, information regarding the receipt of an amount described in paragraph (a) by the individual.
- (4) Despite subsections (1) and (3) but subject to subsection (5), if an individual is the eligible spouse or cohabiting spouse or common-law partner of another individual on December 18, 2020 and both of those individuals would be, but for this subsection, eligible for the recovery benefit, only the individual that the commissioner designates is eligible for the recovery benefit.
- (5) If an individual or the cohabiting spouse or common-law partner of the individual has a child referred to in paragraph (c) (i) of the definition of “eligible relation”, subsection (4) of this section does not apply unless the individual and the cohabiting spouse or common-law partner are the eligible spouses of each other.

- (6) If a child is an eligible relation of more than one individual, or is an eligible relation of an individual and the qualified relation of another individual, and those individuals would be, but for this subsection, eligible for a recovery benefit with the child as the eligible relation or qualified relation, only the individual that the commissioner designates is eligible for the amount of the recovery benefit with the child as an eligible relation or qualified relation.

**Amount of recovery benefit**

- 242** (1) The amount of the recovery benefit for an individual who is eligible for the recovery benefit under section 241 (1) is the greatest of the following:
- (a) if an individual has no qualified relation, the positive amount, if any, equal to \$500 less 2% of the amount by which the individual's relevant income for the 2019 taxation year exceeds \$62 500;
  - (b) if an individual has a qualified relation, the positive amount, if any, equal to \$1 000 less 2% of the amount by which the individual's family income exceeds \$125 000;
  - (c) \$10, if
    - (i) an individual has no qualified relation and the individual's relevant income for the 2019 taxation year is equal to or less than \$87 500, or
    - (ii) an individual has a qualified relation and the individual's family income is equal to or less than \$175 000.
- (2) The amount of the recovery benefit for an individual who is eligible for the recovery benefit under section 241 (3) is as follows:
- (a) if an individual has no eligible relation, \$500;
  - (b) if an individual has an eligible relation, \$1 000.

**Application for tax credit**

- 243** (1) An individual who wishes to claim the recovery benefit under section 241 (1) must file with the commissioner an application for the recovery benefit.
- (2) If the individual has a cohabiting spouse or common-law partner who is a qualified relation on December 18, 2020, the individual must claim that cohabiting spouse or common-law partner as the individual's qualified relation in the application.
- (3) The application must be filed in the form and manner, and contain the information, required by the commissioner.
- (4) An application under this section must be filed on or before June 30, 2021.

**Determination of tax credit**

- 244**
- (1) The commissioner must examine an application and other information or records filed under section 243 and determine whether the individual is eligible for the recovery benefit under section 241 (1) or (3) and the amount of the recovery benefit.
  - (2) The commissioner may determine whether an individual is eligible for the recovery benefit under section 241 (3) and the amount of the recovery benefit.
  - (3) The commissioner may redetermine
    - (a) whether an individual is eligible for the recovery benefit under section 241 (1) or (3), or
    - (b) the amount of the recovery benefit.
  - (4) Subject to subsection (5), the commissioner must send to an individual a notice of determination after determining whether the individual is eligible for the recovery benefit and, if eligible, the amount of the recovery benefit.
  - (5) The commissioner is not required to send to an individual a notice of determination if
    - (a) there is no change in the amount of the recovery benefit for the individual after the redetermination, or
    - (b) the commissioner designates under section 241 (4) the cohabiting spouse or common-law partner of the individual as eligible for the recovery benefit.
  - (6) A notice may be in the form and sent in the manner determined by the commissioner.
  - (7) The commissioner
    - (a) is not bound by an application or other information or records supplied by or on behalf of, or in respect of an individual, and
    - (b) may determine the amount of recovery benefit despite the supply of the application or other information or records by or on behalf of, or in respect of the individual.

**Payment of recovery benefit**

- 245**
- (1) An overpayment on account of an individual's liability under this Act for the 2019 taxation year is deemed to have arisen if the commissioner determines the individual is eligible for the recovery benefit.
  - (2) If an overpayment is deemed to have arisen under subsection (1), the Provincial minister must pay, out of the consolidated revenue fund, the amount of the overpayment.
  - (3) The amount of the overpayment is the amount of the recovery benefit determined under section 242.



- (4) Despite subsection (3) of this section or section 16 of the *Financial Administration Act*,
  - (a) if after a redetermination the amount of the recovery benefit increases by less than \$10, the amount of the increase in the overpayment payable is deemed to be nil, or
  - (b) a payment of an amount related to this Part of less than \$10 must not be made, in any other case.
- (5) If an amount is paid under this Part to an individual and, after payment, the commissioner determines that some or all of the amount is to be paid under this Part to the cohabiting spouse or common-law partner of the individual, the amount determined by the commissioner as to be paid to the cohabiting spouse or common-law partner of the individual is deemed to have been paid to the cohabiting spouse or common-law partner of the individual.
- (6) If an individual is eligible for the recovery benefit under section 241 (1), the amount payable under subsection (2) of this section must be paid by electronic funds transfer.
- (7) Despite the *Financial Administration Act* and the Interest on Overdue Accounts Payable Regulation, B.C. Reg. 215/83, no interest is payable by the government with respect to the amount payable under subsection (2).

**Notice to commissioner**

- 246**
- (1) An individual who receives the recovery benefit further to being eligible under section 241 (1) must file a notice with the commissioner if
    - (a) the individual is notified of a change in the individual's relevant income for the 2019 taxation year that would result in a reduction in the amount of the individual's recovery benefit,
    - (b) the individual has a cohabiting spouse or common-law partner who is a qualified relation on December 18, 2020 and the individual is notified of a change in the cohabiting spouse or common-law partner's relevant income for the 2019 taxation year that would result in a reduction in the amount of the individual's recovery benefit, or
    - (c) there is a change in who is claimed as the qualified relation of the individual.
  - (2) The individual must file the notice with the commissioner on or before the later of
    - (a) September 30, 2021, and
    - (b) the date that is 90 days after the individual is notified of the change referred to in subsection (1) (a) or (b).
  - (3) The notice must be filed in the form and manner, and contain the information, required by the commissioner.

- (4) In addition to the notice, the individual must file with the notice any other information or records required by the commissioner.

**Determination period**

- 247** The commissioner may determine eligibility for the recovery benefit, or determine and impose any penalty payable under this Part, within the following time periods:
- (a) the later of the following:
    - (i) 3 years after the date the initial notice of determination is sent under section 244 [*determination of tax credit*];
    - (ii) the end of the day that is one year after the day that is the earlier of
      - (A) the day that the commissioner is notified under section 246 (2), and
      - (B) the day on which the commissioner receives notification from the taxing authority under this Act that the individual or the individual's cohabiting spouse or common-law partner has been issued a notice of assessment that has a change relevant to the calculation of the individual's recovery benefit;
  - (b) at any time,
    - (i) if any individual has made any misrepresentation or committed any fraud
      - (A) in filing an individual's application, or
      - (B) in filing information or records under this Part,
    - (ii) to give effect to a waiver or cancellation of a penalty under section 251 [*waiver or cancellation of penalty*], or
    - (iii) to give effect to a decision of the Provincial minister under section 255 [*appeal to Provincial minister*] or a decision of a court under section 256 [*appeal to court*].

**Overpayment cannot be attached or assigned**

- 248** An overpayment payable under section 245
- (a) cannot be charged or given as security,
  - (b) cannot be assigned,
  - (c) cannot be garnished or attached,
  - (d) is exempt from execution or seizure, and
  - (e) cannot be retained by way of set-off under the *Financial Administration Act*.

**Imposition of administrative penalty**

- 249** (1) The commissioner may determine and impose a penalty on an individual who is liable to a penalty under section 250.
- (2) If the commissioner imposes a penalty on an individual, the commissioner must send to the individual a notice of determination that specifies the amount of the penalty imposed.

**Administrative penalties**

- 250** (1) In this section, “**excess payment**” means
- (a) a payment under this Part for which the individual is not eligible, or
  - (b) an amount by which the recovery benefit that would have been claimed by the individual, if the amount of the recovery benefit had been determined on the basis of the information provided in the application, return, report, notice or other record, exceeds the recovery benefit for which the individual is eligible.
- (2) An individual who knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed under this Part makes, or participates in, assents to or acquiesces in the making of, a statement or omission in an application, return, report, notice or other record filed with the commissioner that results in an excess payment is liable to a penalty equal to the greater of
- (a) \$100, and
  - (b) the amount equal to 300% of the excess payment.
- (3) An individual who fails to file with the commissioner a notice in accordance with section 246 is liable, in respect of each failure, to a penalty of \$10 for each day after which the notice was required to be filed under that section, to a maximum of \$250.

**Waiver or cancellation of penalty**

- 251** The commissioner may at any time waive or cancel all or part of any penalty otherwise payable by an individual under this Part.

**Interest payable to government under this Part**

- 252** (1) If an amount is deemed under section 258 [*individual to repay amount*] to be an amount payable by an individual, the individual is liable to pay interest on the amount from the date the amount to be repaid was paid under this Part to the individual until the date of payment.

- (2) An individual must pay to the government interest on a penalty imposed under this Part as follows:
  - (a) in the case of a penalty under section 250 (2) [*gross negligence*], from the date on which the application, return, report, notice or other record was filed until the date of payment;
  - (b) in the case of a penalty under section 250 (3) [*failure to file notice*], from the date of the notice of determination that specifies the amount of the penalty imposed until the date of payment.
- (3) Interest payable to the government under this Part must be calculated at the prescribed rate and in the prescribed manner.

**No interest if full payment within 30 days**

- 253** Despite any other provision of this Part, if
- (a) a notice of determination or statement of account sent to an individual by the commissioner specifies an amount that is owing to the government under this Part by the individual, and
  - (b) the individual, within 30 days after the date on the notice of determination or statement of account, pays the amount owing in full,
- interest is not payable on the amount owing from the date on the notice of determination or statement of account until the date of payment.

**Waiver or cancellation of interest**

- 254** The commissioner may at any time waive or cancel all or part of any interest otherwise payable by an individual under this Part.

**Appeal to Provincial minister**

- 255** (1) An individual may appeal the following to the Provincial minister:
- (a) a determination of eligibility for or the amount of the recovery benefit under section 244 for which a notice of determination is issued;
  - (b) an imposition of a penalty under section 249.
- (2) An appeal under subsection (1)
- (a) must be made after April 20, 2021 and on or before the later of
    - (i) September 30, 2021, and
    - (ii) the date that is 90 days after the date on the notice of determination in respect of the matter being appealed, and
  - (b) must be made by serving a notice of appeal on the Provincial minister by mailing the notice to that minister.
- (3) The appellant must set out in the notice of appeal a statement of all material facts and the reasons in support of the appeal.

- (4) On receipt of all relevant information from the commissioner and the notice of appeal, the Provincial minister must
  - (a) confirm, reverse or vary the commissioner’s decision or determination, and
  - (b) notify the appellant in writing of the minister’s decision.
- (5) The Provincial minister may authorize any officer of the ministry to perform and exercise duties imposed and powers conferred on the Provincial minister by this section as may in the Provincial minister’s opinion be conveniently performed or exercised by that officer.
- (6) The performance or exercise by the officer authorized under subsection (5) of the duties or powers referred to in that subsection is of the same effect as if the duties or powers were performed or exercised by the Provincial minister.

**Appeal to court**

- 256**
- (1) A decision of the Provincial minister under section 255 (4) in respect of an appeal to the Provincial minister under section 255 (1) may be appealed to the Supreme Court by way of a petition proceeding.
  - (2) The Supreme Court Civil Rules relating to petition proceedings, other than Rule 18-3, apply to appeals under this section.
  - (3) A petition must be filed in the court registry within 90 days after the date of the Provincial minister’s decision.
  - (4) In a petition filed under this section, the government must be designated “Her Majesty the Queen in right of the Province of British Columbia”.
  - (5) Within 14 days after the filing of a petition under this section, the petition must be served on the government in accordance with section 8 of the *Crown Proceeding Act*.
  - (6) An appeal under this section is a new hearing that is not limited to the evidence and issues that were before the Provincial minister.
  - (7) The court may
    - (a) dismiss the appeal,
    - (b) allow the appeal,
    - (c) vary the decision from which the appeal is made, or
    - (d) refer the decision back to the commissioner for reconsideration.

**Irregularities**

- 257** A determination made under this Part must not be varied or disallowed by a court because of an irregularity, informality, omission or error on the part of a person in the observation of any directory provision up to the date of the notice of determination.

**Individual to repay amount**

- 258** If it appears from an inspection, audit, examination or investigation or from other information available to the commissioner that an amount has been paid under this Part to an individual who is not entitled to receive that amount, the amount paid is deemed to be an amount that became payable by the individual to the government on the day on which the amount was paid to the individual.

**Liability for amounts owing to government**

- 259** An individual is liable to pay to the government the following:
- (a) the amount by which the recovery benefit that was paid to the individual under this Part exceeds the recovery benefit that the individual is entitled to receive;
  - (b) the amount of any penalties imposed on the individual under section 249 *[imposition of administrative penalty]*;
  - (c) the amount of any interest payable by the individual to the government under this Part.

**Collection of amounts owing to government**

- 260** (1) Division 2 of Part 7 *[Recovery of Amounts Owing]* of the *Speculation and Vacancy Tax Act* applies for the purpose of collecting an amount that is owing to the government under this Part, except that, in addition to any other necessary modifications, references in that Division to the “administrator” are to be read as references to the “commissioner” under this Part.
- (2) Neither the giving of a notice of appeal by a person nor a delay in the hearing of an appeal
- (a) affects the date an amount that is owing to the government under this Part and that is the subject matter of the appeal is payable under this Part,
  - (b) affects the amount of interest payable on an amount that is owing to the government under this Part and that is the subject matter of the appeal, or
  - (c) delays the collection of an amount that is owing to the government under this Part and that is the subject matter of the appeal, or any interest payable under this Part on that amount.

**Powers of audit**

- 261** Without limiting any provision of this Act or the federal Act, for the purpose of determining eligibility for the tax credit under this Part, the commissioner has powers equivalent to the federal minister under sections 231 to 231.5 and 231.7 of the federal Act, and for that purpose those sections apply.

**Delegation of powers**

- 262** (1) The commissioner may authorize any other officer of the ministry to perform and exercise duties imposed and powers conferred on the commissioner by this Part as may in the commissioner's opinion be conveniently performed or exercised by that officer.
- (2) The performance or exercise by the officer authorized under subsection (1) of the duties or powers referred to in that subsection is of the same effect as if the duties or powers were performed or exercised by the commissioner.

**Application of other provisions**

- 263** (1) A tax credit under this Part is not to be considered in applying any of the following provisions:
- (a) section 31 [*instalment payments: farmers and fishers*];
  - (b) section 32 [*instalment payments: other individuals*];
  - (c) section 34 [*returns, payments and interest*];
  - (d) section 35 [*refund for tax credits*];
  - (e) section 36 [*amount on which instalment calculated*];
  - (f) section 37 [*failure to file return or corporate return and failure to provide information*];
  - (g) section 39 [*penalty for late or deficient instalments*];
  - (h) section 39.1 [*misrepresentation of tax matter by third party*];
  - (i) section 40 [*refunds*].
- (2) The following provisions do not apply for the purposes of this Part, except to the extent provided in this Part:
- (a) section 1 (8.1) [*interpretation*];
  - (b) section 29 [*returns of income and assessments of tax*];
  - (c) section 30 [*reassessment and amended return*];
  - (d) section 38 [*failure to report income, false statement or omission and burden of proof on appeal*];
  - (e) section 41 [*objections to assessments and extension of time*];
  - (f) section 42 [*appeal by taxpayer*];
  - (g) section 43 [*reply*];
  - (h) section 44 [*procedure*];
  - (i) section 45 [*irregularities, extension of time and private hearings*];
  - (j) section 46 [*court practice*];
  - (k) section 47 [*administration, interest, garnishment and proceedings to collect*];
  - (l) section 49 [*debts to Her Majesty*];

- (m) section 50 [*certificates*];
- (n) section 51 [*warrant*];
- (o) section 52 [*acquisition of debtor's property*];
- (p) section 53 [*payment of money seized from tax debtor*];
- (q) section 54 [*seizure of goods*];
- (r) section 55 [*taxpayer leaving Canada or defaulting*];
- (s) section 59 [*inspections, privilege, information returns and corporate execution*];
- (t) section 61 [*offence and penalty*];
- (u) section 62 [*further offences*];
- (v) section 70 [*payments on account*].

**40** *The following sections are added to Part 15:*

**Offences – recovery benefit**

- 264** A person who does any of the following commits an offence:
- (a) makes, or participates in, assents to or acquiesces in the making of, a false or deceptive statement in a notice, application or other record required to be filed or given under this Part;
  - (b) destroys, alters, mutilates, hides or otherwise disposes of a record to evade payment of an amount to be paid to the government under this Part;
  - (c) makes or uses, or participates in, assents to or acquiesces in the making or use of, a record in a false or deceptive manner in order to obtain the recovery benefit;
  - (d) wilfully, in any manner, attempts to obtain or claim an increased recovery benefit to which the person is not entitled, or in an amount that is greater than that amount of recovery benefit to which the person is entitled under this Part;
  - (e) conspires with any person to do anything described in paragraphs (a) to (d);
  - (f) fails to comply with any of sections 231 to 231.5 of the federal Act, as they apply for the purposes of this Part.

**Penalties**

- 265** An individual who commits an offence under section 264 is liable to
- (a) a fine of at least \$1 000 and not exceeding \$25 000,
  - (b) imprisonment for a term not exceeding 12 months, or
  - (c) both the fine and imprisonment referred to in paragraphs (a) and (b) of this section.



**Limitation period for prosecution**

- 266** The time limit for laying an information for an offence under this Part is 6 years after the date when the act or omission that is alleged to constitute the offence occurred.

**41** *The following sections are added to Part 15:*

**When documents are filed with or given to commissioner or Provincial minister**

- 267** (1) If, under this Part, a document must or may be filed with or given to the commissioner or Provincial minister, the document is conclusively deemed to be filed or given on the date it is received by the commissioner or minister, as the case may be.
- (2) If, under this Part, a document must or may be given to the Provincial minister, the document is conclusively deemed to have been given if delivered to the office of the deputy Provincial minister.

**Administration**

- 268** (1) Despite any collection agreement, the Provincial minister must administer and enforce this Part.
- (2) Despite section 69 (3) [*collection agreement*], the federal minister is not authorized to use, perform or exercise any of the powers, duties or discretions of the Provincial minister under this Part.

**Power to make regulations**

- 269** (1) Without limiting section 48 (1) and (2) [*power to make regulations*], the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing interest rates and the manner of calculating interest for the purposes of this Part;
- (b) defining a word or expression used but not defined in this Part.
- (2) A regulation made under this section may be made retroactive to December 18, 2020 or a later date, and if made retroactive is deemed to have come into force on the specified date.

**Repeal by regulation**

- 270** After June 30, 2024, the Lieutenant Governor in Council may repeal this Part by regulation.

***Insurance Premium Tax Act***

- 42** *Section 18 (6) of the Insurance Premium Tax Act, R.S.B.C. 1996, c. 232, is repealed.*

**43 Section 38 (1) is amended by adding the following paragraph:**

(c.01) to an official or employee of the ministry of the minister for the purposes of the formulation or evaluation of fiscal policy, .

***International Business Activity Act***

**44 Section 39 (6) of the International Business Activity Act, S.B.C. 2004, c. 49, is repealed.**

***Land Tax Deferment Act***

**45 Section 13.1 (2) and (3) of the Land Tax Deferment Act, R.S.B.C. 1996, c. 249, is amended by adding the following paragraph:**

(a.1) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy, .

***Logging Tax Act***

**46 Section 14 (1) of the Logging Tax Act, R.S.B.C. 1996, c. 277, is amended by adding the following paragraph:**

(d.1) to an official or employee of the ministry of the minister for the purpose of the formulation or evaluation of fiscal policy; .

**47 Section 25 is repealed.**

***Mineral Tax Act***

**48 Section 22 (2) of the Mineral Tax Act, R.S.B.C. 1996, c. 291, is amended by repealing paragraphs (d) and (e) and substituting the following:**

(d) one year after the date of a decision of the Supreme Court if a decision by the minister under section 26 was appealed under section 27;

(e) one year after the date of a decision of the Court of Appeal if a decision of the Supreme Court under section 27 was appealed.

**49 Section 28 is repealed.**

*Motor Fuel Tax Act*

**50** *Section 1 of the Motor Fuel Tax Act, R.S.B.C. 1996, c. 317, is amended in the definition of “person with disabilities”*

*(a) in paragraph (b) by striking out “active service in any war” and substituting “service”, and*

*(b) by adding the following paragraph:*

(c.1) resides on a reserve, within the meaning of the *Indian Act* (Canada), and receives, or would receive but for having reached 65 years of age, disability assistance or a supplement from the government of Canada, provided that the criteria for the disability assistance or supplement are substantially equivalent to the criteria for receiving disability assistance or a supplement under the *Employment and Assistance for Persons with Disabilities Act*, .

**51** *Section 51 (6) is repealed.*

**52** *Section 62 (1) is amended by adding the following paragraph:*

(c.1) to an official or employee of the ministry of the minister for the purpose of the formulation or evaluation of fiscal policy, .

*Police Act*

**53** *Section 66.21 of the Police Act, R.S.B.C. 1996, c. 367, is amended*

*(a) in subsection (2) by striking out “a taxation year” and substituting “the previous taxation year”, and*

*(b) in subsection (5) by striking out “April 1” and substituting “January 1” and by striking out “the taxation year” and substituting “the previous taxation year”.*

**54** *Section 66.3 (2) is amended by striking out “the taxation year” and substituting “the previous taxation year”.*

***Ports Property Tax Act***

**55** *Section 5.1 of the Ports Property Tax Act, S.B.C. 2004, c. 7, is amended*

**(a)** *by repealing subsection (2) (a) and substituting the following:*

- (a) with respect to the 2021 taxation year, the minister must pay out of the consolidated revenue fund to that municipality, in accordance with subsection (4), the amount indicated opposite the name of the municipality:

<b>Municipality</b>	<b>Annual Payment</b>
City of Delta	\$377 911
City of North Vancouver	\$1 628 237
District of North Vancouver	\$920 414
City of Port Moody	\$641 018
City of Prince Rupert	\$1 795 267
District of Squamish	\$447 857
District of Stewart	\$114 912
City of Vancouver	\$54 001

**(b)** *in subsection (2) (b) by striking out “with respect to the 2010 and subsequent taxation years” and substituting “with respect to the 2022 and subsequent taxation years”, and*

**(c)** *in subsection (3) by striking out “subsection (2) (a) or (b)” and substituting “subsection (2) (b)”.*

***Property Transfer Tax Act***

**56** *Section 21 (6) of the Property Transfer Tax Act, R.S.B.C. 1996, c. 378, is repealed.*

**57** *Section 22 is repealed and the following substituted:*

**Arbitration for fair market value determination**

- 22** (1) Within the time set out in section 21 (3), a person who receives a minister’s notice under section 19 (5) of a minister’s decision may, instead of appealing the decision under section 21, serve on the minister a notice of arbitration in which the person
- (a) requires that a determination of fair market value be made by arbitration in accordance with the regulations, and

(b) acknowledges

(i) that an issue other than a determination of fair market value may not be determined by arbitration, and

(ii) that, by serving the notice of arbitration, the person loses the right under section 21 to appeal the minister's decision to the Supreme Court.

(2) Subject to section 22.2, a person who serves a notice of arbitration under subsection (1) loses the right under section 21 to appeal the minister's decision to the Supreme Court.

**58** *The following sections are added:*

**Jurisdiction of arbitrator**

**22.1** The jurisdiction of an arbitrator under section 22 is limited to determinations of fair market value.

**Matters not suitable for arbitration**

**22.2** (1) If, after the minister receives a notice of arbitration under section 22 (1), the minister determines that a person requires the determination of an issue other than the determination of fair market value, the minister must advise the person

(a) that the issue may not be determined by arbitration, and

(b) that the person may

(i) cancel the notice of arbitration and appeal the minister's decision to the Supreme Court within 90 days after the date on the minister's notice under section 19 (5) of the minister's decision, in accordance with section 21, or

(ii) continue to require an arbitration for the sole purpose of a determination of fair market value.

(2) The minister may, in writing, delegate the minister's powers and duties under this section.

(3) A delegation under subsection (2) may be to a named person or to a class of persons.

**Arbitrator must refer decision back to administrator**

**22.3** An arbitrator under section 22 who makes a determination of fair market value must refer the decision of the minister under section 19 back to the administrator for reconsideration.

**Transition – arbitration**

- 22.4** (1) Section 22 applies in relation to a decision of the minister if the date on the minister's notice under section 19 (5) of the minister's decision is on or after April 20, 2021.
- (2) Section 22, as it read immediately before the date on which this section comes into force, applies in relation to a decision of the minister if the date on the minister's notice under section 19 (5) of the minister's decision is before April 20, 2021.
- (3) The Lieutenant Governor in Council may repeal this section by regulation.

**59** *Section 32 is amended by adding the following paragraph:*

- (c.1) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy; .

**60** *Section 32.1 (1) is amended by adding the following paragraph:*

- (d) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy.

***Provincial Sales Tax Act***

**61** *The Provincial Sales Tax Act, S.B.C. 2012, c. 35, is amended by adding the following section to Division 1 of Part 1:*

**Registration number of principal**

- 8.1** If a person acts as agent of a principal who is a registrant, a reference to the person's registration number is a reference to the registration number of the principal.

**62** *Section 37 is amended*

- (a) in subsection (3) by striking out "If a collector" and substituting "Subject to subsection (7), if a collector", and*

*(b) by adding the following subsections:*

- (7) If a collector sells a vehicle at a sale in British Columbia to a person, that person is deemed to be a purchaser of the vehicle unless the person provides to the collector, at or before the time the tax is payable,
- (a) the person's registration number, or
- (b) if the person does not have a registration number, a declaration in a form acceptable to the director that the vehicle is being purchased for resale.

- (8) Subsection (7) does not apply
  - (a) if the person is registered as a motor dealer under the *Motor Dealer Act*,  
or
  - (b) in prescribed circumstances.

**63** *Section 139 (b) is amended by adding “, unless it is a beverage described in paragraph (a)” after “water in liquid or frozen form”.*

**64** *Section 172.1 is amended*

*(a) in subsection (1.1) by adding “located outside British Columbia” after “Subject to subsection (2), a person”, and*

*(b) by repealing subsection (2) and substituting the following:*

- (2) Subsections (1) and (1.1) do not apply to a person if the person sells or provides only tangible personal property, software or a telecommunication service that is exempt from tax imposed under this Act.

**65** *Section 172.2 (1) (b) is amended by adding “all retail sales and leases of tangible personal property and” after “in paragraph (a) from”.*

**66** *Section 177 is amended*

*(a) in subsection (3) by striking out “A person must not” and substituting “Subject to subsection (4), a person must not”, and*

*(b) by adding the following subsection:*

- (4) When a person is acting as agent of a principal, the person may use the registration number issued to the principal.

**67** *Section 203 (1.1) is amended by adding “39 (4),” after “section 37 (3), (4), (5) or (6),”.*

**68** *Section 212 (8) is repealed.*

**69** *Section 228 (1) is amended by adding the following paragraph:*

- (d.1) to an official or employee of the ministry of the minister for the purpose of the formulation or evaluation of fiscal policy; .

***Special Accounts Appropriation and Control Act***

**70** *Section 9.4 (2) (b) of the Special Accounts Appropriation and Control Act, R.S.B.C. 1996, c. 436, is amended by striking out “in 2014 and each subsequent calendar year” and substituting “for each calendar year from 2014 to 2020”.*

*Speculation and Vacancy Tax Act*

**71** *Section 2 (a) of the Speculation and Vacancy Tax Act, S.B.C. 2018, c. 46, is repealed and the following substituted:*

- (a) the individual has, in respect of the interest in the residential property, a beneficial interest, other than an interest that is contingent on the death of another individual; .

**72** *Section 5 (1) is amended in paragraphs (a), (b) and (c) of the definition of “reported total income” by striking out “of line 150 of a return” and substituting “of line 15000 of a return”.*

**73** *The following section is added:*

**Exemption for trustees of trust for benefit of registered charity**

**20.1** An owner of residential property is, for a calendar year, exempt from tax in respect of the owner’s interest in the residential property if the owner is, at the end of the last day of the calendar year, a person whose interest in the residential property is held as a trustee of a trust for the benefit of a registered charity as defined in section 248 (1) of the federal Act.

**74** *Section 67 (1) (b) is repealed and the following substituted:*

- (b) in any other case, within 6 years after the earlier of the following:
  - (i) the date of the original notice of assessment for the calendar year;
  - (ii) the date on which tax is required under this Act to be paid for the calendar year.

**75** *Section 99 (8) is repealed.*

**76** *Section 105 (2) is amended by adding the following paragraph:*

- (a.1) section 20.1 [exemption for trustees of trust for benefit of registered charity]; .

**77** *Section 107 (3) is amended by adding the following paragraph:*

- (a.1) section 20.1 [exemption for trustees of trust for benefit of registered charity]; .

**78** *Section 120 is amended*

- (a) *in subsection (2) by striking out “Except as authorized by this section, an official must not” and substituting “Despite any other enactment or law, except as authorized by this section an official must not”, and*



*(b) in subsection (5) (j) by striking out “under an enactment” and substituting “under a prescribed enactment”.*

***Taxation (Rural Area) Act***

**79** *Section 3 (1) of the Taxation (Rural Area) Act, R.S.B.C. 1996, c. 448, is amended by adding the following paragraph:*

(c.1) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy, .

**80** *Section 3.1 (1) is amended by adding the following paragraph:*

(d) to an official or employee of the ministry for the purposes of the formulation or evaluation of fiscal policy.

***Tobacco Tax Act***

**81** *Section 2 of the Tobacco Tax Act, R.S.B.C. 1996, c. 452, is amended*

*(a) in subsections (2) and (2.1) (b) by striking out “29.5¢” and substituting “32.5¢”,*

*(b) in subsection (2.1) (a) by striking out “\$5.90” and substituting “\$6.50”, and*

*(c) in subsection (3) by striking out “39.5¢” and substituting “65¢”.*

**82** *Section 24 (6) is repealed.*

***Vancouver Charter***

**83** *Section 397 (3) of the Vancouver Charter, S.B.C. 1953, c. 55, is amended*

*(a) by striking out “he shall” and substituting “the assessor must”, and*

*(b) in paragraph (a) by striking out “give a notice of assessment” and substituting “provide an assessment notice”.*

**Transitional Provision**

***Provincial Sales Tax Act transition – retroactive regulation-making power***

**84** (1) A regulation made under section 241 of the *Provincial Sales Tax Act* on or before December 31, 2021 may be made retroactive to March 11, 2019 or a later date, and if made retroactive is deemed to have come into force on the specified date.

- (2) A regulation made under section 242 (1), (2) or (3) or 246 (f) of the *Provincial Sales Tax Act* on or before March 31, 2022, in respect of the Provincial Sales Tax Rebate on Select Machinery and Equipment Regulation, B.C. Reg. 78/2021, may be made retroactive to April 1, 2021 or a later date, and if made retroactive is deemed to have come into force on the specified date.

**Commencement**

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

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 11 and 12	April 1, 2021
3	Section 13	March 30, 2021
4	Section 15	March 30, 2021
5	Section 17	By regulation of the Lieutenant Governor in Council
6	Section 18	March 30, 2021
7	Section 21	January 1, 2019
8	Section 22	March 25, 2020
9	Section 23	March 13, 2020
10	Section 24	March 25, 2020
11	Section 25	By regulation of the Lieutenant Governor in Council
12	Section 26	May 1, 2020
13	Sections 27 and 28	March 13, 2020
14	Section 29	March 31, 2021
15	Sections 30 to 32	March 13, 2020
16	Section 34	May 1, 2020
17	Sections 35 and 36	By regulation of the Lieutenant Governor in Council, which regulation may be made to bring sections 35 and 36 into force on or after May 1, 2020
18	Section 37	May 1, 2020

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
19	Section 38	By regulation of the Lieutenant Governor in Council, which regulation may be made to bring section 38 into force on or after May 1, 2020
20	Section 39	December 18, 2020
21	Section 41	December 18, 2020
22	Section 50	April 20, 2021
23	Sections 53 and 54	January 1, 2022
24	Sections 57 and 58	April 20, 2021
25	Section 62	By regulation of the Lieutenant Governor in Council
26	Sections 63 to 65	April 1, 2021
27	Section 70	March 31, 2021
28	Section 71	November 27, 2018
29	Section 73	November 27, 2018
30	Section 74	January 1, 2022
31	Sections 76 and 77	November 27, 2018
32	Section 78	By regulation of the Lieutenant Governor in Council
33	Section 81	July 1, 2021