LIDSTONE & COMPANY
BARRISTERS AND SOLICITORS

BULLETIN

TO: **Clients**
FROM: **Lidstone & Company**
DATE: **November 19, 2025**
RE: **Bill M216, 2025**
FILE: **99999 - 012**

Bill M216–2025 has recently been introduced in the provincial legislature (First Reading October 21 and Second Reading November 17). If enacted, the law would impact local government powers, responsibilities, and liability, obligating local governments to approve permit or bylaw applications in accordance with the judgement of a wide category of professionals rather than the existing "qualified professionals" or local government's own discretion. The sudden changes could affect health and safety of persons and buildings and environmental protection, contrary to the provincial regime that has been in place for decades under various governments. The scheme would create significant delays and extra costs for developers in the development process in BC. It creates new liability for local governments, and predictably higher insurance costs for homeowners and businesses. This bulletin summarizes some potential impacts on local governments.

1. **Professional Reliance**

Currently under sections s. 55 and s. 56 of the *Community Charter*, local governments **may** (but are not required to) obligate building permit applicants to provide certificates from a "qualified professional" to demonstrate their application complies with applicable requirements. Such qualified professional could be, depending on the context, an architect, professional engineer, or professional geoscientist.

Professional reliance also applies to building design and construction, subdivision, infrastructure design and construction, wildfire or hazard development permits, riparian protection, flooding/landslide protection, geotechnical site issues, and more.

Colloquially, this practice is called “professional reliance”. Instead of a local government necessarily performing their own inspections or plan reviews for a given application, a local government is entitled to rely on the opinion of a qualified professional. Importantly, such professional reliance is not required - professional reliance as it exists under the current *Community Charter* and *Local Government Act* allows local governments to choose to use professionals as adjuncts to their own judgement in bylaw applications and permitting. This expedites development approvals and reinforces safety given the established expertise and track record of these professionals.

Importantly, most local governments with substantial flows of development applications have already established an advanced system of pre-certified qualified professionals and steps to expedite approvals.

In addition, the Bill would no longer allow a requirement for peer review of professionals’ errors or omissions.

2. **The Act**

Conversely, the *Professional Reliance Act* proposed under Bill M216–2025 **requires** local governments to accept as meeting permit or bylaw requirements, “any submission” certified by a professional under the *Professional Governance Act* (“PGA professional”). If there is a dispute between the PGA professional and the local government, the matter must be referred to the province for resolution. Note that ‘PGA professional’ is a far broader category than the *Community Charter*’s qualified professional and includes agrologists, science technologists, technicians, applied biologists, engineers, geoscientists, forest professionals, and architects. Planners are not included, and many classes of the proposed “PGA Professionals” under Bill M216 have no health and safety expertise regarding matters that would devolve to them under this Act.

Under the *Professional Reliance Act* the certification of these professionals overrides local government discretion in bylaws and permitting. If a PGA professional certifies a property and application as valid for a permit, the local government **must** accept that judgement (outside of the limited exceptions that a complaint has been made to the province/statutory body, which predictably will cause significant delays, or the application is “incomplete”, which will cause other delays). The existing expedited approval processes in communities, such as a 10-day Fast-Track program, could be impacted by Bill-generated delays where there are any number of site conditions requiring a professional that were previously addressed by professional reliance.

3. **Impacts on Local Government**

If Bill M216–2025 becomes law, local governments will no longer be able to rely on the historic body of “qualified professionals” or on the local government’s own discretion to review professional certified bylaw or permit applications for failure to adhere to local regulations. Also, if the local government’s opinion differs from that of the new PGA Professional or if it is apparent the PGA Professional is not

applying safety or other regulations, the local governments will be firewalled from due diligence. This applies to building design and construction, geotechnical site issues, subdivision, infrastructure design and construction, wildfire or hazard development permits, riparian protection, flooding/landslide protection, and more. As stated, the Bill would no longer allow a requirement for peer review.

The proposed *Professional Reliance Act* attempts to protect local governments from this new obligatory reliance on professionals by purporting to immunize local governments from "proceedings ... in respect of a submission certified by a PGA professional". Given the wording in the Bill compared to existing immunizing statutory language, and in the context of the case law, we think local governments will carry residual liability in spite of this attempt at statutory protection, and where the builder, owner, subcontractor, or PGA pro is dissolved or insolvent, the local government could be jointly and severally liable (except Vancouver under its separate liability protection). That means if a Village is found 5% liable, it pays 100% of the liability. No discussion of local government financial liability is as important, however, as the reduction of safety of people and the incidence of costly building failures that would be a predictable outcome of Bill M216.

In addition, it has been our experience that some of the sorts of PGA Pros listed in the Bill do not carry adequate insurance and it is always a struggle to get them to carry adequate insurance or agree to reasonable indemnification.

4. ACTION

Most new development in BC happens on floodplains, steep slopes, earthquake or tsunami zones, or wildfire interface regions, not to mention heavy rainfall and geotechnical hazard areas, so this legislation would concretely militate against the safety traditionally promoted by the building code, electrical and gas codes, hazardous site permits, development permit requirements, and other local government-administered protection of families, individuals, and buildings. This legislation could increase the costs and timelines for development approvals, result in potentially unprofessional "approvals" by consultants with no applicable expertise, increase risk for local governments and homeowners, and cause many local governments to abandon regulation altogether due to seriously increased risk and liability. In Atlin, BC, there is no local government and no enforced safety codes – maybe that is what the developer lobbyists are seeking here.

A building code amendment takes many years with wide consultation, so why would the government undermine decades of scientifically effective safety regs and their traditionally professional application?

The Select Standing Committee on Private Bills and Private Members' Bills will now consider the proposed legislation. Submissions to the committee can go to this link until December 2: https://consultation-portal.leg.bc.ca/consultations/154 .