

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, the *Professional Reliance Act*, 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, as summarized below.

1. PROFESSIONAL RELIANCE

Currently local governments may require applicants under the development project approval process to provide certification 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 can apply to building design and construction, subdivision, infrastructure design and construction, wildfire or hazard development permits, 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. That said, there is a long list of local governments where no qualified professionals are available.

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Many local governments with substantial flows of development applications have established an advanced system of qualified professionals pre-certified by the local governments and steps to expedite approvals.

2. THE ACT

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”). This would be the developer’s own PGA professional who could certify their own work. If there is a dispute between the PGA professional and the local government or its professional, the matter must be referred to the PGA Superintendent for resolution. Note that ‘PGA professional’ is a 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 in the definition.

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 provincial 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.

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

The question that also arises is whether a PGA professional would have a conflict if certifying their own work that the local government must accept.

3. IMPACTS ON LOCAL GOVERNMENT

If Bill M216-2025 becomes law, local governments will no longer have discretion to review plans, approve applications for things like development or building permits, or carry out inspections – they must accept the submission certified by the developer’s PGA professional. If the local government or its professional have an opinion that 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 government must accept the PGA judgement, or the local government can (a) complain to the PGA Superintendent or (b) declare an application “incomplete”, which will cause other delays and costs. As stated, the Bill would no longer allow a requirement for peer review.

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.

The proposed *Professional Reliance Act* contains a clause intended to protect 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, local governments may nevertheless retain liability, and if the builder, owner, subcontractor, or PGA professional is dissolved or insolvent, or does not carry adequate insurance, the local government may bear significant responsibility. This could include joint and several liability (except in Vancouver under its separate special liability protection). That means if a Village is found 5% liable, it pays 100% of the liability.

4. ACTION

A significant amount of 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. The proposed legislation may increase the costs and timelines for development approvals and increase risk for local governments and homeowners. We are informed it may cause some local governments to abandon regulation and reduce staff due to the privatization of the development project approval process and fears of increased liability exposure.

Note this Bill is not a proposal of the Minister of Housing and Municipal Affairs – it is a private member’s bill. 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 3:00 pm on December 2: <https://consultation-portal.leg.bc.ca/consultations/>.