

2025

**INNOVATIVE LAW
REFORM**

2025 ANNUAL REPORT



ABOUT BCLI

BCLI is BC's independent, not-for-profit law reform agency. BCLI engages in scholarly research and analysis to determine pathways for law reform. We bring together the expertise and experience of collaborators to develop just and innovative solutions and increase access to justice in BC.

BCLI carries forward the work of the BC Law Reform Commission which operated until 1997. In 2022, we established our Reconciling Crown Legal Frameworks Program to support the research and innovations required to strengthen relationships between Crown and Indigenous laws and areas of jurisdiction.

Better laws, plain and simple.

Our work

REPORTS

Reports offer detailed recommendations for reform, grounded in thorough research and expert committee contributions.

STUDY PAPERS

Study papers explore current legal issues and consider potential avenues for reform.

PRACTICAL RESOURCES

Practical resources provide accessible legal information and tools to support best practices.

Our process

INVESTIGATE

Identify legal issues to determine law reform needs.

RESEARCH, ANALYZE, & ENGAGE

Carry out legal research, analysis, and engagement to recommend reforms.

OUTREACH

Connect to deepen support for law reform needs.



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Message from the Board Chair and Executive Director

Dear Friends and Colleagues,

We are pleased to share BCLI's 2025 Annual Report. 2025 was another year of renewal for the Institute. We are expanding our reach on the issues that we address, our approach to engaging people in our work, and our connections across the country.

A year of our work

We released seven publications on topics addressing legal writing practices, Indigenous-led conflict resolution, and a new project related to housing law reform. Four of our publications were primers and practical resources, and we are increasingly finding that these are key tools for legal professionals. The resources were:

- *The Law at Home: A Primer on Homeownership Tenures in British Columbia;*
- *Questions and Answers About Pension Division on the Breakdown of a Relationship in British Columbia 5th Edition;*
- *Guide to Wills and Estate Planning for First Nations Clients Living on Reserves;* and
- *Guide to Trauma-Informed Legal Writing.*

We wish to recognize the collaboration and support of our project collaborators and donors for the completion of the Pension Division Questions and Answers. Now in its 5th edition, this guide offers concise answers to the complexities of pension regulation in family law. The work for this updated guide was made possible with the financial support of a number of institutional users — BC Pension Corporation, Dentons, Duncan Allen Law LLP, Lawson Lundell LLP, UBC Pension Plan, and Westcoast Actuaries. We are profoundly grateful to our volunteer project advisors Colin Galinski and Beatrice (Bea) McCutcheon, who led the legal work on this resource.

We completed a major report on Renovating the Public Hearing, and two study papers that focus on areas for which we have established expertise and commitment — family law and legal pluralism between reconciling Indigenous and Crown legal orders. The report and study papers were:

- *Report on Renovating the Public Hearing;*
- *Navigating Shared Waters: A Study Paper on Indigenous-Led Conflict Resolution;* and
- *Study Paper on Understanding Economic Abuse through Family Businesses in Family Law.*

We are thinking about our work differently

BCLI has long focused on identifying opportunities to improve existing statutes and the common law. Building on that foundation, we are also expanding our work to identify and

address gaps in the law that emerge in response to new challenges and evolving public needs. The housing law reform project, which explores limitations in housing law for the “missing middle”, illustrates this approach. It begins from the premise that existing law shapes what housing forms are possible and accessible. This aligns with our broader goal of identifying where the law is not meeting current needs and developing reforms that are responsive to contemporary realities.

Our work across Canada

An important indicator of our impact is our citation record. In 2025, BCLI reports were cited in court decisions in more than a dozen cases — by courts from coast to coast! In addition to being cited by both the BC Court of Appeal and the BC Supreme Court, BCLI publications were referenced in decisions of the Saskatchewan Court of Appeal, the Alberta Court of King’s Bench, and the Supreme Court of Newfoundland and Labrador.

Closer to home, we were pleased to see one of our longstanding recommendations finally implemented in legislation. In 2004, we recommended that BC abolish the Shimco lien — a separate lien in the construction law world that owners and contractors were required to maintain. In 2025, BC passed the *Construction Prompt Payment Act* which, among other things, abolishes that form of lien, turning that recommendation into law. Sometimes law reform takes a while, and this is a testament to the importance of BCLI’s work over the years.

National law reform arrives in BC

In an era of so much electronic connection, we were fortunate to be able to host our colleagues from across Canada and other justice system actors at the Federation of Law Reform Agencies of Canada annual symposium in May 2025. We highlighted our Reconciling Crown Legal Frameworks Program and the ways in which our work is advancing legal pluralism.

We were honoured that Chief Justice Leonard Marchand of the BC Court of Appeal and Chief Justice Ronald A. Skolrood of the BC Supreme Court provided opening remarks for the two days of our gathering, and to learn from Professor Val Napoleon, the Law Foundation of BC Chair of Indigenous Law and Governance.

Increasing collaboration is central to our work and we are grateful to our funders, volunteers, and supporters for the ability to do this work advancing law reform in BC and beyond.

Sincerely,



Edward L. Wilson
Board Chair



Karen Campbell
Executive Director



OUR WORK

Our work is organized into three main areas: reports, study papers, and practical resources. Our reports offer detailed recommendations for reform, grounded in thorough research and expert committee contributions. Our study papers explore current legal issues and consider potential avenues for reform. Our practical resources provide accessible legal information and tools to support best practices.

New Projects

Access to Neighbouring Land and Airspace for Construction-Related Purposes Project

This project seeks solutions for faster and fairer resolution of construction-related disputes about crane overhang and shoring/underpinning access to adjoining properties. The frequency of these disputes is a significant problem that can lead to costly delays in the completion of multi-unit building projects, impeding the renewal and expansion of needed housing. This scenario is made worse by legal uncertainty due to conflicting decisions in BC case law concerning the common law principles underlying the disputes.

Indigenous Data Sovereignty Project

This project provides a gateway and a foundation for those seeking to understand Indigenous data sovereignty. First Nations are working to maintain, control and protect their knowledge and information. However, Crown privacy and information management regimes are often incompatible with First Nations' data sovereignty and fall short of respecting the principles of First Nations' ownership, control, access, and possession over their

information. This project is being done in collaboration with the British Columbia First Nations Regional Information Governance Centre.

Honour of the Crown Project

This project explores the concept of the honour of the Crown as it has been recognized within Canadian law. It will look at how this principle informs Crown obligations and decision-making. It will further consider how the honour of the Crown can be understood in a more relational way and opportunities for it to be informed by principles within Indigenous legal orders and systems of governance.

Role of Injunctions in Resource Disputes Project

This project aims to describe how the law on injunctions has developed, explain how cases involving resource disputes pose special problems for this body of law, and explore some options for reforming the law.

Continued Projects

Escheat Act Modernization Project

This project aims to update BC's *Escheat Act* to align with the *UN Declaration on the Rights of Indigenous Peoples*. The legal doctrine of escheat is grounded in the notion that land title ultimately derives from the Crown. Where there is a lapse in ownership, the legislation allows for title to fall to the province at which point, the Attorney General has the authority to take certain actions to dispose of or manage the land. We are working with an expert project committee to identify mechanisms by which lapses in fee simple title could be remedied in a manner consistent with Indigenous rights and title.

Rationalizing Non-Statutory Liability of Directors and Officers Project

This project aims to clear up confusion about when a director or officer of a corporation can be liable in their personal capacity for torts of the corporation. The state of the law is unsettled because the Supreme Court of Canada has failed to resolve two principal conflicting lines of authority, appearing at different times to approve both of them. The issue is important to both the business and not-for-profit sectors. The goal is to support the evolution of pragmatic, fair, and coherent rules concerning personal liability and to curb abusive claims from being raised against directors and officers personally in corporate litigation. The consultation paper was published and feedback was gathered at the end of 2025.

Rethinking Strata Leaseholds Law Reform Project

This project aims to develop law reform recommendations that will clarify, modernize, and strengthen BC's legal framework governing strata leaseholds (a housing model which combines elements of strata ownership with time-limited land tenure). Working with an expert project committee, this project aims to address issues spanning the full life cycle of a strata leasehold, from who should be authorized to act as leasehold landlords to decision-making processes as leases approach expiry. This project is part of a larger effort to examine legal pathways that support secure and durable housing in BC.

Completed Publications

Report

Report on Renovating the Public Hearing

This report examines reforms to public hearing provisions outlined in the *Local Government Act* and related legislation. Critics question the effectiveness of BC's public hearing laws in fostering public engagement, citing studies that reveal dissatisfaction due to high costs, wasted time, low satisfaction, and occasional trauma for participants. The recommendations relate to BC's legislation regarding public engagement during the enactment of land-use bylaws by incorporating new insights into group deliberation and establishing improved methods for local governments to involve the public. The report was published in April 2025.

The report was made possible with the collaboration of Simon Fraser University Morris J. Wosk Centre for Dialogue and the support of Canada Mortgage and Housing Corporation.

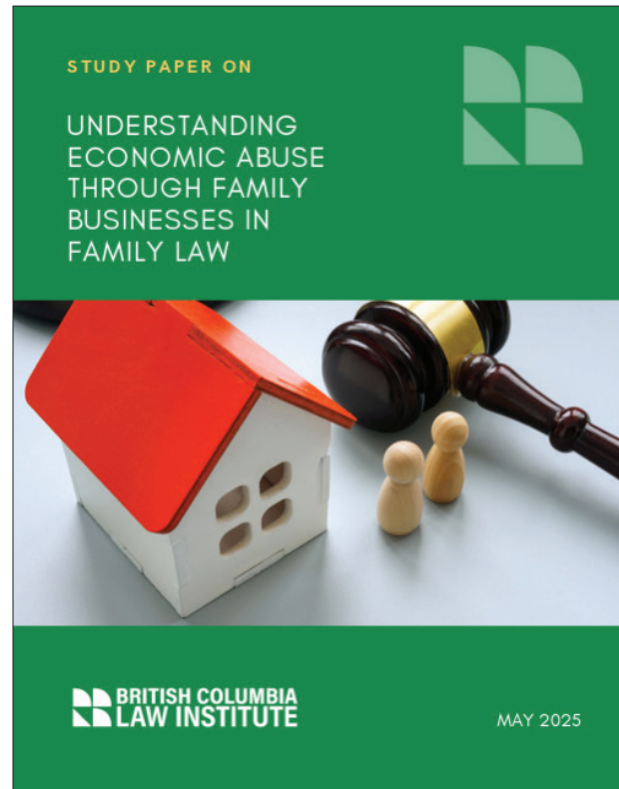


Study Papers

Study Paper on Understanding Economic Abuse through Family Businesses in Family Law

This study paper looks at the relationship between economic abuse and family businesses in family law cases. It seeks to clarify the nexus between family violence and family businesses by exploring ways in which family businesses are vulnerable to economic abuse. It highlights common behaviours that can occur and identifies ways in which the justice system could better address these issues. It was published in May 2025.

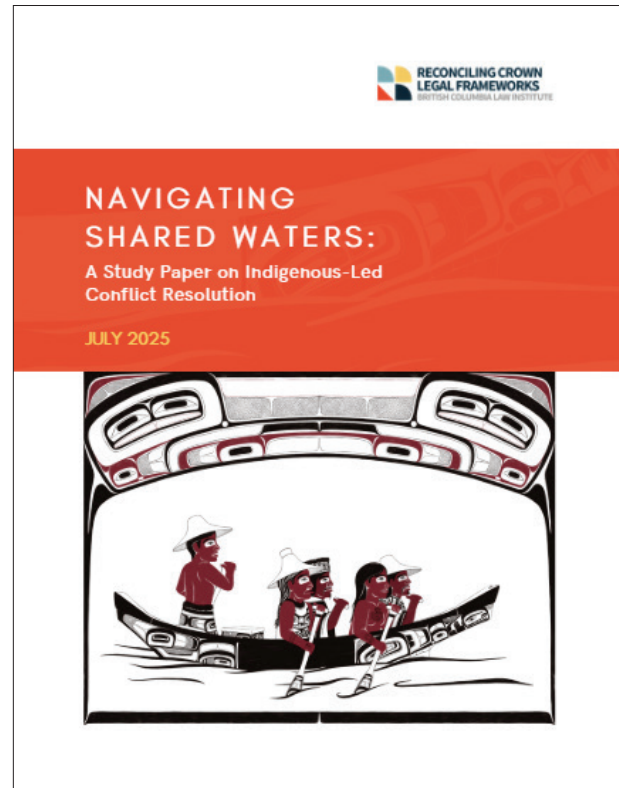
The study paper was made possible by funding from the Law Foundation of BC, BC Ministry of Attorney General, and The Notary Foundation.



Navigating Shared Waters: A Study Paper on Indigenous-Led Conflict Resolution

This study paper builds on BCLI's earlier primers on legal pluralism and explores how Indigenous Peoples are using their laws to resolve disputes and the challenges that arise when these systems interact with state laws. Legal pluralism exists within Canada because there are multiple distinct and co-existing legal systems. The paper draws on research, legal analysis, and conversations with those involved in developing Indigenous-led conflict resolution processes. It was published in July 2025.

The study paper was made possible by funding from the Law Foundation of BC, BC Ministry of Attorney General, and McLachlin Fund.



About the Indigenous Artwork and Artist

Incorporating Indigenous art helps embody the narratives, histories, and cultural perspectives of Indigenous peoples. By integrating these artistic expressions, we hope to honour these perspectives.

This artwork in *Navigating Shared Waters: A Study Paper on Indigenous-Led Conflict Resolution* depicts the journey of Indigenous-led justice, honouring laws, values, and traditions while restoring relationships and navigating new pathways for conflict resolution. Five people paddle a painted cedar canoe, moving forward with purpose. At the back rests a bentwood box—a container of treasures, symbolizing wealth measured by generosity rather than possession.

SGidGang.Xaal / Shoshannah Greene

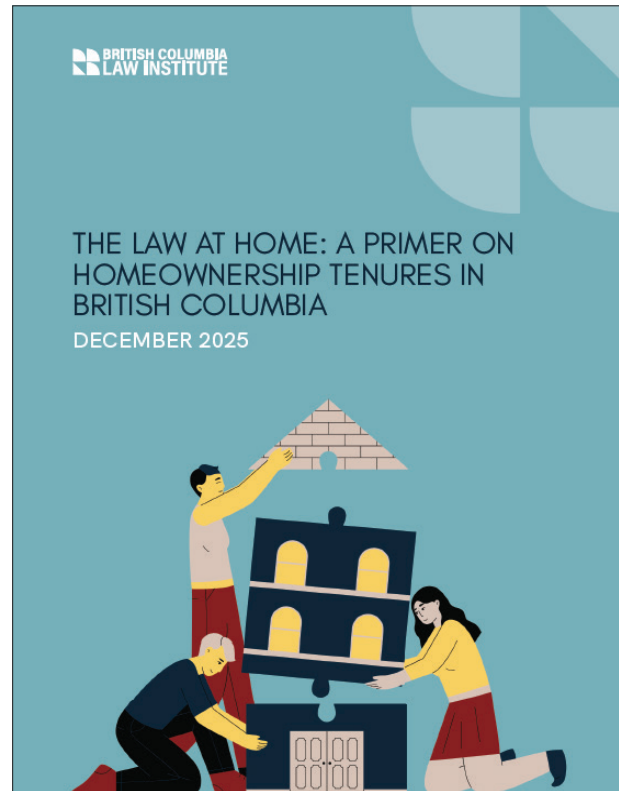
SGidGang.Xaal / Shoshannah Greene, a Haida artist from Cumshewa Village, studied Media Arts at Emily Carr University. She now creates traditional and digital art, blending Haida formline and cultural stories with a contemporary perspective.

Practical Resources

The Law at Home: A Primer on Homeownership Tenures in British Columbia

This primer on housing tenure models in BC is designed to serve as a resource for anyone interested in the housing sector, including lawyers, notaries, mortgage brokers, realtors, and current and prospective homeowners. The primer provides an overview of the different legal frameworks governing homeownership and explores the rights and obligations of homeowners and occupants under different housing tenure models. This housing primer also encourages further exploration and discussion of legal issues related to housing by providing resources for deeper learning and inviting feedback from readers. The primer was released in December 2025.

This primer was made possible through project funding from The Notary Foundation and ongoing funding from the Law Foundation of BC and the BC Ministry of Attorney General.



Questions and Answers About Pension Division on the Breakdown of a Relationship in British Columbia 5th Edition

The new edition of this guide to navigating pension division on breakdown of a relationship in BC is tailored to meet the needs of various professionals, offering detailed insights into the complex laws governing division of pensions between separating spouses. Since its last edition in 2017, numerous amendments have been made to both the *Family Law Act* and the *Pension Benefits Standards Act*. The update incorporates recent changes in the law to ensure an accurate and relevant resource for practitioners. The resource was published in December 2025.

The guide was made possible by funding from the Law Foundation of BC and BC Ministry of Attorney General. We also

gratefully thank the following donors for their generous support: BC Pension Corporation, Dentons, Duncan Allen Law LLP, Lawson Lundell LLP, UBC Pension Plan, and Westcoast Actuaries.

Project Donors



QUESTIONS AND ANSWERS ABOUT PENSION DIVISION ABOUT BCLI CONTACT DONATE

5th Edition

Questions and Answers About Pension Division

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Chapter 2- Dividing Unmatured Benefits Determined By a Benefit Formula Provision (FLA, s 115)

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Chapter 4- Dividing Unmatured Benefits in a Hybrid Plan (FLA, s 116)

Chapter 5- Dividing a Pension that has Commenced (FLA, s 117)

Chapter 6- Other Types of Plans – Supplemental Benefits and Benefits for Specified Individuals (FLA, ss. 119 and 121)

Chapter 7- Dividing Benefits in an Extraprovincial Plan (FLA, s 123)

Chapter 8- Death and Survivor Benefits (FLA, ss. 124-126)

Chapter 9- Disability Benefits (FLA, s 122)

Chapter 10- Transfer from a Plan and LIRA/LIF Division

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Chapter 13- Using the Forms and Notices

Chapter 14- Transition Issues – Agreements and Orders Made under the FRA

Chapter 15- Miscellaneous Administrative Issues

Appendix

Acknowledgements

Questions and Answers About Pension Division on the Breakdown of a Relationship in British Columbia 5th Edition

Explore the content and individual chapters by clicking on the table of contents tab on the left.

Download PDF Version

The *Questions and Answers About Pension Division on the Breakdown of a Relationship in British Columbia* has been a trusted guide for navigating the complexities of pension regulation and family law in British Columbia for close to 30 years. Serving both professionals and the public, it offers clear, detailed answers to technical questions about pension division.

This resource has been refreshed to reflect recent legal developments, including the May 2023 passage of Bill 17, which amended Part 6 of the *Family Law Act* (and implemented recommendations from BCLI's 2021 *Report on Pension Division: A Review of Part 6 of the Family Law Act*). This important work was originally authored by Thomas (Tom) G. Anderson, KC.

Pension division does not arise in all family law matters, but it is an important issue for many people going through separations in BC. The Q&A helps create consistency in how these divisions are administered and includes several updates where further clarification or guidance was needed. It was also reviewed by a group of peer experts working in the pension field.

DISCLAIMER

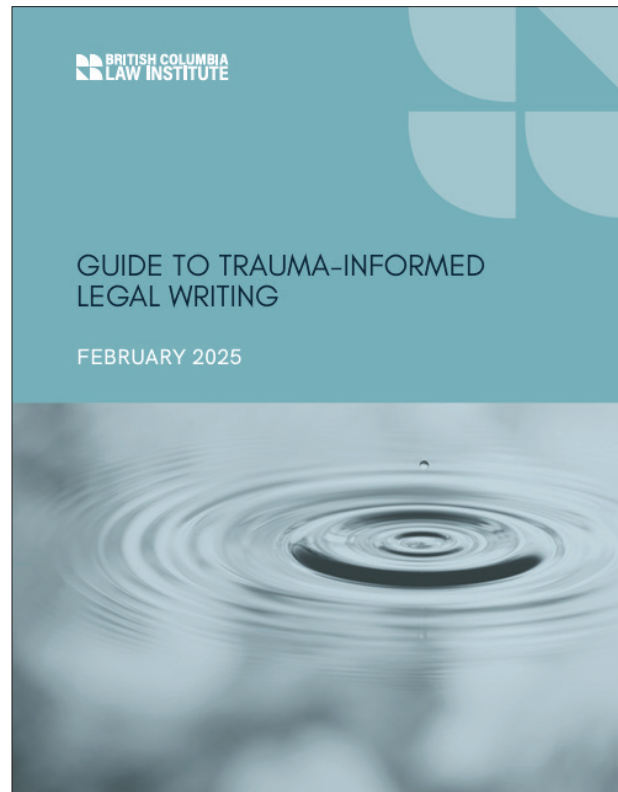
The information and commentary in this publication is not offered as legal advice. It refers only to the law at the time of publication, and the law may have since changed. BCLI does not undertake to continually update or revise each of its publications to reflect post-publication changes in the law.

The British Columbia Law Institute disclaims any and all responsibility for damage or loss of any nature whatsoever that any person or entity may incur as a result of relying upon information or commentary in this publication.

Guide to Trauma-Informed Legal Writing

This guide helps legal professionals adopt trauma-informed practices in their writing by offering practical tools and tips for creating legal documents for those who are affected by trauma. It is premised on the belief that trauma-informed writing will improve clarity, accessibility, and ultimately the effectiveness of legal writing and advocacy. It was published in February 2025.

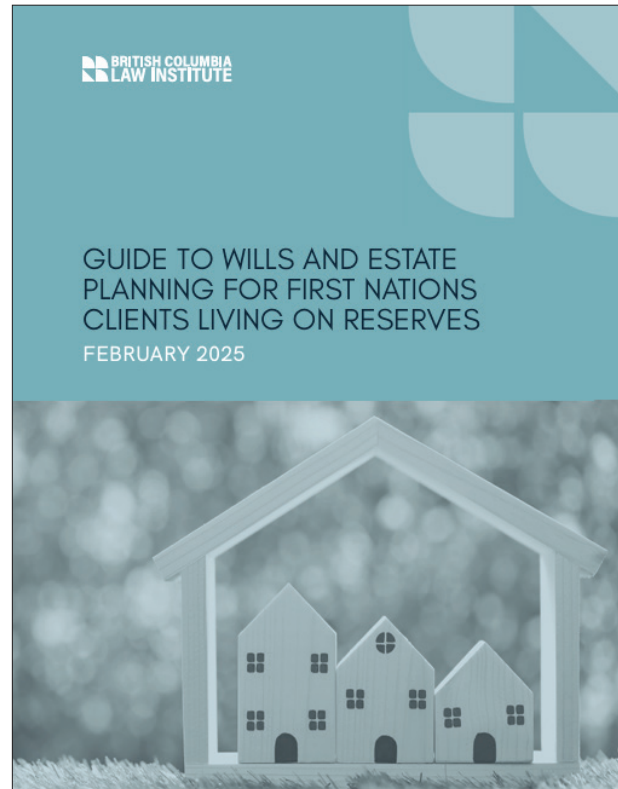
The guide was made possible by funding from the Law Foundation of BC, and BC Ministry of Attorney General.

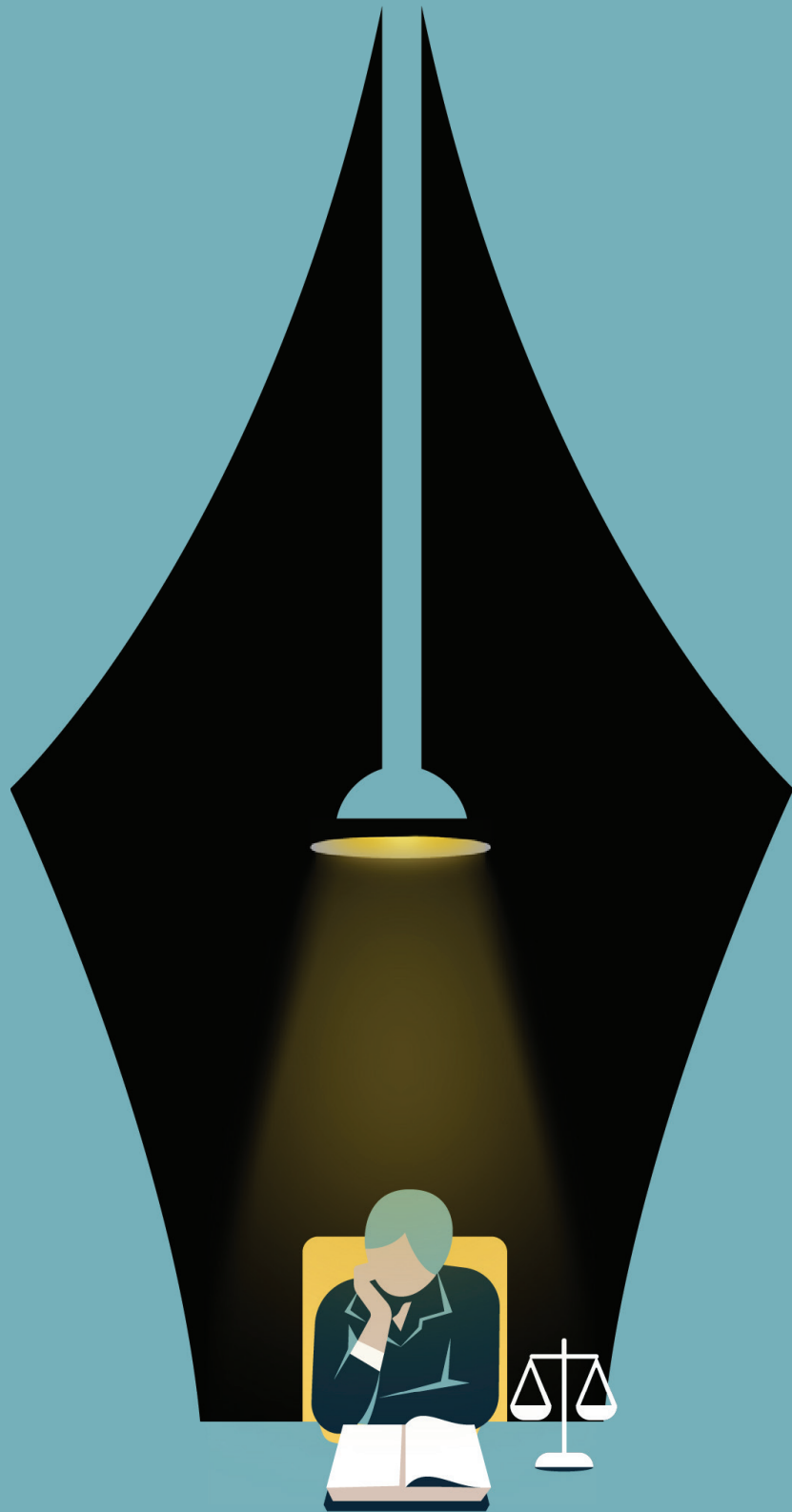


Guide to Wills and Estate Planning for First Nations Clients Living on Reserves

This guide fills a knowledge gap among legal professionals about wills and estate planning for Indigenous persons who reside on reserves. We are grateful to the many legal practitioners and service organizations, like Seniors First BC, who vetted this practice resource prior to publication. It was published in February 2025.

The guide was made possible by funding from the Law Foundation of BC, BC Ministry of Attorney General, and The Notary Foundation.





Mathew Good Memorial Prize Essay Contest for BC Law Students

In 2025, BCLI, with the support of the Canadian Bar Association, BC Branch (CBABC), held the first annual BCLI Mathew Good Memorial Prize essay contest. Generously sponsored by the Law Foundation of BC, the contest awards a \$1,000 prize to an outstanding essay by a BC law school student, offering an opportunity for emerging legal minds to explore issues of law reform and access to justice.

This prize is presented by BCLI in memory of Mathew (Mat) Good, a former BCLI board member and CBABC member. Mat was a brilliant lawyer who practiced commercial litigation and class actions with Good Barrister in Vancouver. He was a prolific volunteer in the legal profession and demonstrated a deep commitment to supporting legal education and to advancing access to justice. Mat died from cancer in 2023 at the age of 37.

The first prize was awarded in 2025 to Manjot K. Sekhon, a 3L student at Thompson Rivers University's Faculty of Law, for her essay, *Balancing the Scales: The Need for Reform of Judicial Guidelines to Balance Support for Self-Represented Litigants and Uphold Public Confidence*. Her paper looks at how the judicial system can better address the needs of self-represented litigants while upholding public confidence. It explores the challenges faced by judges as decision-makers, examines the broader impact of self-represented litigants on the legal system, and proposes reforms. The



Mathew Good Memorial Prize Essay Contest Award Winner Manjot K. Sekhon

winning paper was published on the BCLI website and CBABC's *BarTalk*.

The selection committee included Claire Hunter, KC; Marie Ong, staff lawyer at BCLI; Timothy Outerbridge, BCLI board member; and Breanne Martin, CBABC appointee, reflecting a thoughtful and collaborative evaluation process.

The success of this inaugural prize demonstrates BCLI's commitment to fostering legal scholarship, honouring the memory of a valued colleague, and encouraging the next generation of lawyers to contribute to law reform and access to justice in BC.

OUR OUTREACH & ENGAGEMENT

The BCLI team regularly brings our research out into the community, sharing our work through presentations and in our professional networks. It is through these opportunities that more people know about the work we do and how it contributes to innovative law reform in BC and beyond.

Connections with the legal community

Most of our outreach is with legal audiences — practitioners, academics, and policymakers in the justice sector. In 2025 we received many invitations to present on our *Guide to Trauma-Informed Legal Writing* — reflecting a growing recognition of the importance of trauma-informed communication within the justice system. We delivered presentations and conducted workshops for a variety of audiences across the country, including the BC Health Practices Review Board, the BC Trial Lawyers Association, a gathering of the Saskatchewan Domestic Violence Court Judges, the Council of Canadian Administrative Tribunals, Vancouver's Justice as Trauma Conference, and a workshop to all staff at the BC Ministry of Attorney General.

We also continued to deepen our outreach on prior reports and publications. In April 2025, Senior Staff Lawyer Greg Blue, KC, spoke at the Society of Trust and Estate

Practitioners (STEP) Canada on our *Undue Influence Recognition and Prevention Guide*. He was joined by former project committee members Emily Clough and Peter Chan.

In August 2025, Executive Director Karen Campbell and Greg Blue, KC, attended the Uniform Law Conference of Canada's Annual Meeting in Halifax, where they discussed recommendations to modernize and harmonize Canadian laws. Karen participated in the event's annual West vs. East softball game where the West won!

We continue to receive many requests to share on our legal pluralism primers. We have made presentations to First Nations and Indigenous organizations across BC, and we have printed and distributed over a thousand copies. We are told that these primers have been shared with audiences in Asia, Australia, and across Canada.



Deepening our connection to BC law students

BCLI continues to build strong connections with universities and students through outreach, events, and learning opportunities. Encouraging students to understand how the law works and how it can change is an important way to support the next generation of legal professionals.

In March 2025, Karen Campbell and Staff Lawyer Alison Wilkinson presented at the Thompson Rivers University (TRU) Family Law Conference and TRU Law Career Fair, where we hosted a booth to showcase our work. In September, Staff Lawyer Megan Vis-Dunbar spoke as part of the TRU Research Series on *Navigating Shared Waters: A Study Paper on Indigenous-Led Conflict Resolution*. Her focus included a discussion of ways to strengthen Crown support for Indigenous-led justice processes. BCLI also participated in the University of British Columbia (UBC) Peter A. Allard School of Law Social Justice Forum, engaging with law students interested in public-interest careers.

We were pleased to have a number of students join us through internships or contracts over the course of the year. We are particularly grateful for the Law Foundation of BC's support for our articling student, Ignacia Mendez-Pacheco. We also benefited from research support from students over the course of the year,

including Llana Arreza, a 2L student at the University of Victoria; Bazam Hundal, a 2L student at Dalhousie University; and Anna Dokshina and Kelly Stanley, both students with TRU's Master of Arts in Human Rights and Social Justice. Law students also joined us as notetakers for our project committees: Ashley Cruickshank, a 3L student at UBC; Quinn Mayo, a 2L student at UBC; Vanessa Chang, a 1L student at UBC; and Wenyuan (Stacy) Zhang, a 2L student at TRU.

In the community

Our Staff Lawyer Marie Ong and Communications Manager Ken Chau attended the Police Victim Services of BC Symposium in May 2025 where Marie spoke about our 2023 *Study Paper on Supporting Vulnerable Victims & Witnesses*.

We hosted our annual Project Committee Appreciation Reception in October 2025 to recognize our volunteers who contribute their time and expertise to BCLI's projects. A special thank you to Board Chair Edward L. Wilson and his team at Lawson Lundell LLP for graciously hosting the event.

Left page: The West vs. East softball game at the Uniform Law Conference of Canada's Annual Meeting in Halifax, and Alison Wilkinson speaking at the TRU Family Law Conference.

Right page: Megan Vis-Dunbar speaking at the TRU Research Series, and Marie Ong speaking at the Police Victim Services of BC Symposium.



Federation of Law Reform Agencies of Canada Symposium

BCLI is a member of the Federation of Law Reform Agencies of Canada (FOLRAC), a national network that promotes collaboration to advance the public value of law reform. FOLRAC brings together agencies from seven provinces, along with the Law Commission of Canada, to share knowledge and explore emerging legal issues. In May 2025, BCLI hosted the annual FOLRAC symposium in Vancouver.

Law reform representatives from across the country also came together to discuss how to better raise awareness of the important role that law reform agencies play on the national justice landscape. Over two days, the program offered in-depth discussion on key law reform topics. Day 1 focused on legal pluralism. Leah George-Wilson (Sisi-ya-ama) of the Tsleil-Waututh Nation welcomed us, followed by opening remarks

from BC Court of Appeal Chief Justice Leonard Marchand. Professor Val Napoleon was presented with the King's Coronation Medal by the Law Commission of Canada. The day continued with conversations on the challenges of implementing legal pluralism.

Day 2, hosted in partnership with Access to Justice BC, opened with remarks from BC Supreme Court Chief Justice Ronald A. Skolrood and featured thoughtful panels on law reform and access to justice. The first explored how law reform can help advance access to justice, while the second focused on strategies to engage the public through that lens.

We were thrilled to be able to work with the University of Victoria's BC Access to Justice Centre for Excellence (ACE) and support



ACE's People-Centred Justice Workshop, themed "Innovation in People-Centred Justice", which took place at the same time. This created a collaborative environment to share ideas across complementary initiatives in law and justice reform. We also organized a field trip to BC's Museum of Anthropology for our out-of-town visitors.

We thank all FOLRAC collaborators for helping make this event a success and look forward to continuing to work together at future FOLRAC convenings.

Left page: Presentation of King's Coronation Medal to Professor Val Napoleon by Shauna Van Praagh, President at the Law Commission of Canada

Opening remarks by Chief Justice Leonard Marchand

Right page: Engaging the Public in Law Reform from an A2J Perspective Panel: Alison Wilkinson, Emily Drown, Leah Howie, and Brea Lowenberger

FOLRAC members and BCLI staff



OUR IMPACT

BCLI's work is designed to have a long life beyond publication. In 2025, our work contributed to changes in law and practice, was cited in court and tribunal decisions across Canada, and referenced in academic and professional publications.

Implemented Recommendations

The path from recommendation to legislation is rarely a short one, and in 2025, BCLI was pleased to see two of our recommendations become law.

In 2004, following the BC Court of Appeal's recognition of a separate "Shimco lien" against construction holdbacks, BCLI published its *Report on Builders Liens After the Shimco Case* (2004), which identified the problems with this dual-lien theory and recommended that the Shimco lien be abolished. Two decades later, in 2025, the province passed Bill 20, the *Construction Prompt Payment Act*, which expressly abolishes the Shimco lien.

The new legislation also shortens the holdback period (the window during which funds are retained, and lien claims can be made against them) from 55 to 46 days. This amendment reflects a further recommendation from BCLI's *Report on the Builders Lien Act* (2020).

Seeing these long-standing recommendations adopted is deeply rewarding, and it demonstrates how careful research and analysis can be transformed into meaningful reform.

Court and Tribunal Citations

Courts and tribunals across Canada continue to rely on BCLI's work when resolving complex legal questions. In 2025,

publications from BCLI were cited by trial and appellate courts in British Columbia, Saskatchewan, Alberta, and Newfoundland and Labrador in more than a dozen cases, as well as by administrative decision makers.

Wills and estates law

BCLI's past work in the law of wills and estates continues to shape the law long after project completion. BCLI's report *Wills, Estates and Succession: A Modern Legal Framework* (2006) helped to shape BC's modern *Wills, Estates and Succession Act* (WESA), and in 2025 the courts continued to reference the report when interpreting the legislation. For example, the BC Court of Appeal and BC Supreme Court referenced the report in their discussion of how section 58 of WESA was the legislative response to BCLI's recommendation to introduce a dispensing power, allowing courts to give effect to a will-maker's intentions even if there is a failure to meet strict formal requirements: *Paige v Noel*, 2025 BCCA 358 at para 19; *Kasper v Collins*, 2025 BCSC 654 at para 36; *Thauberger Estate (Re)*, 2025 BCSC 760 at para 73.

The Supreme Court of Newfoundland and Labrador referenced BCLI's *Recommended Practices for Wills Practitioners Relating to Potential Undue Influence: A Guide* (2011) in its discussion of the safeguards against undue influence, noting the protocol BCLI developed to help lawyers screen for and prevent undue influence: *O'Keefe v O'Keefe*, 2025 NLSC 85 at para 32.

Liens

The BC Court of Appeal referenced BCLI's *Report on Builders Liens After the Shimco Case* (2004) and *Report on the Builders Lien Act* (2020) in its discussion of the "Shimco lien": *Kingdom Langley Project Limited Partnership v WQC Mechanical Ltd.*, 2025 BCCA 169 at para 3.

The BC Supreme Court referenced BCLI's *Report on the Uniform Liens Act* (2003) for its explanation of how a common law lien works: *Dicebox Ventures Ltd. v Brandt Tractor Ltd.*, 2025 BCSC 1265 at para 22.

Employment law

BCLI's *Report on the Employment Standards Act* (2018) was discussed in two 2025 decisions interpreting the *Employment Standards Act*. In a labour arbitration, the report was considered in relation to interpreting the "meet or exceed" provisions of the Act: *BC Ferry Services Inc. v BC Ferry & Marine Workers' Union*, 2025 CanLII 8390 (BC LA) at paras 35–36, 140. In an Employment Standards Tribunal matter, a party's submissions drew on the report's finding that having a delegate both investigate and adjudicate a complaint raised concerns of procedural fairness and a reasonable apprehension of institutional bias: *Jeffrey Labalestra*, 2025 BCEST 152 at para 26.

Across many other areas

BCLI's research reached courts on a wide range of additional subjects in 2025, such as:

Privacy law: The BC Court of Appeal referenced BCLI's *Consultation Paper on the Privacy Act of British Columbia* (2007) in its discussion of how damages for privacy breaches can serve to deter and compensate for the loss of privacy itself: *Insurance Corporation of British Columbia v Ari*, 2025 BCCA 131 at para 47.

Societies law: The BC Supreme Court referenced BCLI's *Consultation Paper on Proposals for a New Societies Act* (2007) in its discussion of the history and development of the Societies Act: *Altman v Faculty Association of Simon Fraser University*, 2025 BCSC 1690 at para 60.

Property law: The BC Supreme Court and the Saskatchewan Court of Appeal both referenced BCLI's *Consultation Paper on the Partition of Property Act* (2011) in their discussions of which parties are entitled to bring a petition for partition: *Mand v Cheema*, 2025 BCSC 1595 at para 519; *Hipkins v McDonald*, 2025 SKCA 34 at para 85.

Common-law tests of capacity: In a BC Supreme Court decision, a physician relied on the approaches set out in BCLI's *Report on Common-Law Tests of Capacity* (2013) to test the capacity of a defendant to conduct civil litigation: *Woike v Woike*, 2025 BCSC 1460 at para 27.

Guardianship: The Alberta Court of King's Bench pointed to BCLI's *Report on the Recognition of Adult Guardianship Orders from Outside the Province* (2005) as a resource on the subject of how guardianship orders made in one province can be recognized and enforced in another: *MLD v JM*, 2025 ABKB 184 at para 26.

Academic and Professional Publications

Beyond the courts, BCLI's research is a working resource for scholars, practitioners, and fellow law reform bodies in Canada and abroad.

Academic scholarship

BCLI's research helps to inform legal scholarship on a wide range of subjects. For example, in Brian Langille and Ben Mayer-Goodman's article, "Don't Mess with Mr. In-Between," published in the *Dalhousie Law*

Journal, BCLI's *Report on the Employment Standards Act* (2018) was cited along with other commissions on the matter of extending employment standards coverage to dependent contractors.

In the *Annual Review of Insolvency Law*, Jassmine Girgis drew on BCLI's *Study Paper on Financing Litigation* (2017) in her article, "Maintenance and Champerty: Still Relevant in Modern Insolvency Litigation Funding," discussing how third-party litigation funding can advance access to justice. In the same volume, Karen Fellowes and Archer Bell cited the *Report on Fraudulent Conveyances and Fraudulent Preferences* (1988) in "Beyond Elizabeth: The Current State of Fraudulent Conveyance and Fraudulent Preference Law in Canada," as evidence of the long-recognized need to reform Canada's reviewable transaction law.

BCLI's work is also cited internationally. For instance, in "Artificial Intelligence and the HIPAA Privacy Rule: A Primer," published in the *Houston Journal of Health Law & Policy*, Stacey A. Tovino cited BCLI's *Gender Diversity in Legal Writing: Pronouns, Honorifics, and Gender-Inclusive Techniques* (2022) as a resource on the adoption of gender-inclusive language.

Influence on other law reform bodies

BCLI's work is a resource for fellow law reform bodies. In its report *Modernising Wills Law*, the Law Commission of England and Wales drew on BCLI's *Wills, Estates and Succession: A Modern Legal Framework* (2006) and thanked BCLI for sharing its experience with law reform in BC, particularly on matters related to a court's dispensing power. The Law Commission of Saskatchewan also drew on BCLI's work in its *Implementation of the Uniform Commercial Tenancies Act: Tentative Proposals*, citing BCLI's *Backgrounder No. 1 – Introduction to the Commercial Tenancy Act Reform Project* (2007).

Professional and educational resources

The value of BCLI's work extends well beyond academic and judicial settings, informing the day-to-day resources relied on by legal professionals and educators. For example, BCLI's *Guide to Trauma-Informed Legal Writing* (2025) is being used to help train and support lawyers and judges. The Canadian Institute for the Administration of Justice drew on the guide in developing a training program for the Government of Alberta on the judicial treatment of sexual violence. The Law Society of BC also highlights the guide among the practical resources for lawyers on its website.

BCLI's *Report on Artificial Intelligence and Civil Liability* (2024) was cited as a useful resource on questions of tort liability in *AI in Canada: A Legal Guide to Developing and Using Artificial Intelligence*, a guide by the national law firm Osler, Hoskin & Harcourt LLP.

BCLI's work on BC's child protection system was recognized in *Agenda for Justice 2025*, a publication by the Canadian Bar Association, BC which sets out over 30 recommendations urging the BC government to make the province's legal and justice systems more accessible, equitable, and fair. Under the theme of "reaching equal justice for everyone," where the CBABC calls for modernizing BC's child protection system, both BCLI's *Consultation Paper on Modernizing the Child, Family and Community Service Act* (2020) and its *Report on Modernizing the Child, Family and Community Service Act* (2021) are listed as key background reading.

APPRECIATION

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- **KAREN CAMPBELL,**
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