

## **UBCM expresses concern with private members bill**

### **Publishing Date**

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MLA George Anderson, Parliamentary Secretary for Transit, has brought forward a private member's bill that would apply a professional reliance model to local approvals. If passed, this legislation would require that, with limited exceptions, local governments accept submissions certified by registered professionals including engineers and architects as meeting permit or bylaw requirements. UBCM was not consulted on this legislation before its introduction and has significant concerns with the proposed approach that would erode local approval authorities.

### **Overview of Legislation**

Councillor Cori Ramsay, UBCM's president and Executive Director Gary MacIsaac met with MLA Anderson on November 6 to discuss the bill.

If approved, Bill M 216 – 2025 Professional Reliance Act, would require that:

“A local government must accept, as meeting permit or bylaw requirements, any submission certified by a PGA professional acting within their regulated scope of practice, unless

(a) the submission is incomplete, or

(b) a complaint in respect of the submission has been made to the superintendent.”

In this context, a “PGA professional” is a registrant in good standing of a regulatory body set out in Schedule 1 to the *Professional Governance Act*. This includes engineers and architects, as well as agrologists, applied science technologists and technicians, biologists and forest professionals. It does not include Registered Professional Planners. In addition, “the superintendent” refers to the superintendent appointed pursuant to section 4 of the *Professional Governance Act*.

In the case of a dispute between a PGA professional employed by a local government and a PGA professional retained by an applicant, the legislation would require that the matter be referred to the superintendent for resolution. The legislation also provides the Lieutenant Governor in Council with regulation-making authority to: designate a local body as a local government for the purposes of the Act, establish dispute resolution procedures, and notably, to set timelines for development application processing.

### **UBCM Position and Analysis**

This is a private member's bill, brought forward by an individual MLA and not subject to the broader consultation and policy development processes as a government bill. Nonetheless, UBCM would expect a sitting member of the Legislature to consult local governments before proposing systemic changes to local approval processes.

UBCM views the proposed legislation as continuing a trend towards sweeping, centralized legislation that impacts local governments, developed without meaningful local government input. UBCM first became aware of this bill when monitoring the introduction of the legislation in the current legislative session. Local governments should be engaged before laws that impact areas of

their jurisdiction are introduced. As has been clearly demonstrated in recent processes, fast-tracked approaches that skip over consultation are likely to lead to unintended consequences.

UBCM would pose the following questions to BC's legislators:

- What is the problem being solved by the proposed legislation? Why does this require a new law? Were other options considered? Who was engaged on the proposed approach?
- This law would apply to all local governments, including regional districts. Is this appropriate? UBCM supports local choice as opposed to one-size fits all approaches that ignore community size, geography and local circumstance.
- Is the private sector prepared to take on the proposed approach? How would local governments and the private sector manage a transition to the new approach? And is there clear evidence that shifting approvals from the public to the private sector would lower costs?
- Is the Office of the Superintendent of Professional Governance adequately staffed to handle dispute resolution? And would shifting of dispute resolution on local matters from the local level to the Province be cost effective and best serve public interest?

UBCM would also note that the proposed legislation comes at a time when local governments are already tackling a sweeping overhaul of the planning framework brought about through several pieces of legislation over the past three years. These include:

- Setting housing targets under the *Housing Supply Act*,
- Implementing Bills 44 and 47 that address small-scale multi-unit housing and transit-oriented areas,
- A revised development finance framework under Bill 46,
- Adoption of Bill 15, the *Infrastructure Projects Act*, providing the Province with regulatory override powers for major capital projects, and
- Recently introduced legislation ("Bill 25") to amend Bill 44, less than two years after Bill 44 was adopted.

The rapid pace of legislative change continues to risk overwhelming local governments' ability to adapt and to respond to urgent priorities. Furthermore, because local governments are the order of government closest to citizens, they are uniquely suited to represent local interests. When powers are shifted away from local governments, it disempowers those who elected them.

UBCM would encourage members to review the legislation and consider how it may impact their approval processes. Comments may be submitted to Josh van Loon, Senior Policy Analyst.