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Professional Reliance Act Proposal Ruffles Feathers

Bill M216, the Professional Reliance Act, has generated greater interest than many members' bills, with its proposal on streamlining development approval procedures eliciting strong comments for and against. What some of those comments represent is a more fundamental disagreement about the status of technical professionals and the meaning of their work.

For contractors, developers and registered technical professionals, just as much as for local government councils and planning departments, a members' bill recently introduced into the BC Legislative Assembly is provoking not a little controversy and interest.

Read for the first time on October 21, and now having had second reading, Bill M216, if passed, would enact the *Professional Reliance Act*, effecting another significant change to the development landscape in the past few years. As with previously enacted legislation (e.g., the *Housing Statutes (Residential Development) Amendment Act, 2023*), the Act reflects a definite view, right or wrong, that barriers to development in British Columbia – particularly development of housing units – are primarily the fault of local government. If local governments would stop gumming up the works, the housing would be here now and be here cheap(er).

What would the Act do?

In connection with applications for development approval, local governments typically make significant demands for information. Naturally, the bigger the project, the more potential for disruption, the more demanding the information requirement. Few would argue against the importance of local governments knowing how developments can be expected to impact their surroundings, and the *Local Government Act* provides local governments specific authority to require, at applicants' expense, development approval information concerning impacts on issues such as local transportation, the local natural environment, and public facilities.[1]

The crux of the proposed Act, which is a breezy ten sections long, is found in sections 2 and 5. Pursuant to section 2, a local government would be required to accept a

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submission certified by a member of a professional body regulated under the *Professional Governance Act*,[2] such as an architect or engineer, in fulfillment of a bylaw or permit requirement. The only grounds for not accepting a submission would be the submission's incompleteness or a complaint having been made (presumably by the local government) in respect of the submission to the Superintendent of Professional Governance. Section 3 of the Act provides for referral to the Superintendent of any disputes on a submission's content arising between a professional employed by a local government and one retained by an applicant.

Pursuant to section 5, a local government would be prohibited from requiring peer review of a certified submission, except with the permission of the Superintendent of Professional Governance. Although it is not defined, peer review presumably means review of a submission by another professional *at the applicant's cost* – and *at the local government's choice.* As the name of the Act suggests, subject to dispute resolution, local governments would be obligated to rely on the reports and other documents submitted by applicants without the ability to confirm for themselves the accuracy of the facts, assumptions, and conclusions contained therein. It is not clear from the text of the Act in what circumstances the Superintendent might be compelled to give approval to peer review.

What has been the response?

The *Professional Reliance Act* has generated some significant buzz, especially among local governments. The professional bodies that would be affected (e.g., Engineers and Geoscientists BC and the Architectural Institute of British Columbia) are still in the process of soliciting feedback from their members. In a statement published November 19, 2025, the Union of British Columbia Municipalities ("UBCM") came out strongly against the Act, suggesting it poses "significant risks to new homeowners and taxpayers".[3] In addition to concerns about the process of the Act's development (i.e., apparent lack of consultation with local governments), UBCM has identified concerns with loss of municipal oversight and unclear effects on municipal liability. UBCM has even suggested that the Act could backfire and increase development approval delays by pushing disputes between applicants and local governments into a queue for resolution by the Superintendent of Professional Governance.

There are, as well, those in favour of the Act. The Urban Development Institute (the "UDI"), as well as the Greater Vancouver Board of Trade ("GVBOT"), have issued their own letter of support,[4] encouraging what they see as reduction of redundancies, speeding up development, and ultimately lowering construction costs. Notwithstanding their stance of support, the UDI and GVBOT have also suggested areas for potential revision, such as ensuring coordination with the *Building Act*[5] and, rather than centralizing dispute resolution under the Superintendent of Professional Governance, making the regulated professional bodies themselves responsible for dispute resolution.

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Is one view right?

The views of both sides mentioned above reflect opposing understandings of two closely linked issues. One is the competence of registered professionals; the other is the objective character of their work. On the first issue, the view of local governments is evidently that 'a spade is not a spade': notwithstanding that professionals must all meet the same standards of their profession, there is inconsistency between them. By contrast, the view of developers is that each professional is as capable and diligent as the next; thus, peer review is needless duplication of effort at an applicant's expense.

This connects to the second issue, which is to what extent a professional's work product (e.g., a report on the feasibility of construction on a slope and methods of mitigating risk) is "fact", as opposed to "opinion". If a professional's work (e.g., a conclusion that construction is feasible and there will be no risk using *x* method) is ultimately the distillation of fact, each similarly competent professional ought to reach the same conclusion. However – this is the view underlying local government objections – if a professional's work is ultimately opinion, two similarly competent professionals may reach different conclusions. The subjective character of the work makes a multiplicity of views possible; depending on different professionals' outlooks and experience, they may take different views on which levels of risk are tolerable and which solutions are "best". As local governments would see it, peer review requirements are an antidote to the incentive for applicants to select professionals more tolerant of risk or sympathetic to an applicant's desires.

It is difficult to say with certainty whether one of these views is right and the other wrong. It is perhaps more interesting to consider how the views might be reconciled in a practical manner other than effectively declaring one view right at law. The most obvious solution would be to invert the existing approach of making applicants pay for their own professionals by default *and* the local government's professionals at the latter's option. If one professional is as competent as the next to draw objective conclusions, such that peer review is wasteful duplication, applicants could, at first instance, be made to pay for the work of professionals chosen by local governments. Only if the applicant saw reason to dispute the first findings would they be compelled to pay for a second opinion by a professional of their choice. Whether all involved would find this approach palatable is a distinct question left for another time.

Future Developments

Members' bills, which are put forward without explicit support from the provincial cabinet, are historically much less likely to be adopted than "government bills" put forward by cabinet ministers. Nonetheless, by making it past second reading and onto committee review, Bill M216 has shown greater momentum than most members' bills. Its treatment at committee and beyond may prove to be very interesting.

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1 R.S.B.C. 2015, c. 1, Part 14, Division 6.

2 S.B.C. 2018, c. 47.

3 ubcm.ca/about-ubcm/latest-news/ubcm-encourages-local-government-response-bill-m216.

4 udi.org/knowledge/research/library/joint-letter-gvbot-pga.

5 S.B.C. 2015, c. 2.

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Our lawyers combine legal experience in local government, commercial real estate development, and construction law to provide legal services to local governments, owners, builders and developers on a range of projects, from concept to completion, and beyond.

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