



*Speculation and Vacancy Tax Act*  
**EXEMPTIONS FROM TAX REGULATION**  
**B.C. Reg. 287/2019**

Deposited December 23, 2019 and effective November 27, 2018  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 287/2019 (O.C. 723/2019), deposited December 23, 2019 and effective November 27, 2018, is made under the *Speculation and Vacancy Tax Act*, S.B.C. 2018, c. 46, s. 139 (1) (g) and (2).

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

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## *Speculation and Vacancy Tax Act*

### **EXEMPTIONS FROM TAX REGULATION**

**B.C. Reg. 287/2019**

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#### **Definition**

- 1** In this regulation:

“**Act**” means the *Speculation and Vacancy Tax Act*.

#### **Exemption for water access property**

- 2** (1) In this section:

“**existing road**” includes a road or driveway, whether paved or unpaved and whether public or private, that is usable by a motor vehicle as defined in the *Motor Vehicle Act*;

“**federal Act**” means the *Income Tax Act* (Canada);

“**water access property**” means a property that can be accessed only by water for 6 or more consecutive months in a calendar year and that is more than 100 metres from an existing road.

- (2) A water access property is exempt from tax under the Act unless it is contiguous to a property that

- (a) is not a water access property, and
- (b) is owned by the owner of the water access property or by an owner who does not deal at arm’s length, within the meaning of sections 251 and 252 of the federal Act, from the owner of the water access property.

#### **Exemption for members of military**

- 3** (1) An owner of a residential property who is a member of the Canadian Armed Forces or a spouse of a member of the Canadian Armed Forces is, for a calendar year, exempt from tax under the Act in respect of the owner’s interest in the residential property if the owner, as a result of the member’s military service, is absent from the residential property at any time during the calendar year.
- (2) The exemption in subsection (1) may be claimed in respect only of a single property per owner.

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**Exemption for land without residence**

- 4** A residential property is exempt from tax under the Act for the 2019 calendar year if, on October 16, 2018, the residential property did not include a residence or any part of an improvement intended to be a residence.

[en. B.C. Reg. 287/2019, Sch 2.]

- 5** Repealed. [B.C. Reg. 198/2022.]

**Exemption for property subject to bylaw or covenant**

- 6** An owner of a residential property is, for the 2020 and 2021 calendar years, exempt from tax under the Act in respect of the owner's interest in the residential property if, on or before October 16, 2018,

- (a) the owner acquired the interest in the residential property, and
- (b) a covenant under section 219 [*registration of covenant as to use and alienation*] of the *Land Title Act* or a bylaw of a strata corporation prohibited the occupation of a residence that is part of the residential property by an arm's length tenant, as defined in section 36 (1) [*definitions and interpretation*] of the Act, in a manner that would entitle the owner to an exemption in respect of the residential property under any of the following:
  - (i) section 37 [*tenancy exemption for widely held owners*] of the Act;
  - (ii) section 38 [*tenancy exemption for specified owners*] of the Act;
  - (iii) section 39 [*tenancy exemption for other owners*] of the Act.

[en. B.C. Reg. 287/2019, Sch. 3.]

**Exemption for subsidiaries of agent of government**

- 7** For the purposes of section 20 (o) [*exemption for specified owners*], an owner of a residential property that is a wholly owned subsidiary, within the meaning of the *Business Corporations Act*, of an agent of government is a prescribed class of persons of the Act.

[en. B.C. Reg. 162/2021.]