

B.C. Insurer Exemption Regulation: Amendment clarifies the scope of an exemption for manufacturers and retailers

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The British Columbia Financial Services Authority (BCFSA) recently published an <u>advisory announcing an amendment</u> to the <u>Insurer Exemption Regulation</u> (IER), which came into force on July 14, 2025.

The <u>amendment clarifies the scope of an exemption for the incidental sale of vehicle</u> and product warranty insurance, specifically addressing how the exemption applies to affiliates and subsidiaries of manufacturers and retailers.

Background

Under British Columbia's <u>Financial Institutions Act</u>, entities selling insurance must obtain a business authorization from the BCFSA. The IER provides an exemption for manufacturers and retailers that offer vehicle or product warranties (considered a type of insurance in British Columbia) when sold incidentally to the sale of the vehicle or product.

The exemption also applies to:

- corporations where the manufacturer or retailer is a wholly owned subsidiary; and
- wholly owned subsidiaries of the manufacturer or retailer.

Ambiguity in the definitions led to confusion about the exemption's practical application.

Amendment

To address these issues, the amendment:

 extends the exemption to "a corporation that is a commonly owned affiliate of a manufacturer or retailer";



- provides that a corporation is a "commonly owned affiliate" of a manufacturer or retailer if all issued shares of both entities are directly or indirectly held by the same person; and
- clarifies that a "wholly owned subsidiary" exists when all issued shares of one
 entity (manufacturer, retailer, or corporation) are directly or indirectly held by
 another, meaning the subsidiary is entirely owned by its parent company,
 regardless of whether the parent is a corporation or a manufacturer/retailer.

Contact us

For further information on the legislative amendment, we invite you to contact the authors or any of the key contacts listed below.

By

Rick Da Costa, Erin VanderVeer, Abby Shine

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BLG Offices

Cal	laarv	,	
6	ıuarv	,	

Centennial Place, East Tower 520 3rd Avenue S.W. Calgary, AB, Canada T2P 0R3

T 403.232.9500 F 403.266.1395

Ottawa

World Exchange Plaza 100 Queen Street Ottawa, ON, Canada

K1P 1J9

T 613.237.5160 F 613.230.8842

Vancouver

1200 Waterfront Centre 200 Burrard Street Vancouver, BC, Canada V7X 1T2

T 604.687.5744 F 604.687.1415

Montréal

1000 De La Gauchetière Street West Suite 900

Montréal, QC, Canada

H3B 5H4

T 514.954.2555 F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3

T 416.367.6000 F 416.367.6749

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