

Advisory

Amendments to Real Estate Development Marketing Policy Statements 5, 6, and 13

Date: March 8, 2023
Distribution: Real Estate Development Industry and Interested Parties
Advisory Number: 23-010

PURPOSE

BC Financial Services Authority (“BCFSA”) is issuing this Advisory to notify purchasers, developers, and other stakeholders that the Superintendent of Real Estate’s Policy Statements 5, 6, and 13 have been amended **effective March 8, 2023**.

AMENDMENTS TO POLICY STATEMENTS 5 AND 6

The amendments to Policy Statements 5 and 6 provide more uniform standards for meeting early marketing requirements in B.C., while maintaining strong consumer protections. The amendments include:

- Amending the concept of “approval in principle” so that approval in principle is obtained when a municipal or other government authority has given third reading to a bylaw to zone or rezone the specific site on which the developer’s proposed development will be located, or, in areas that do not require third reading, has taken an equivalent step to proceed with such zoning;
- Amending the definition of “building permit” to include multiple or staged building permits issued by an approving authority, where required, that authorizes excavation or construction of the development property;
- Clarifying the definition of a “satisfactory financing commitment”; and
- Clarifying that early marketing requirements apply on a phase-by-phase basis.

AMENDMENTS TO POLICY STATEMENT 13

The amendments to Policy Statement 13 directly incorporate substantially all the real estate securities disclosure content previously contained in the BC Securities Commission’s (“BCSC”) Form 45-906F, which was repealed as of March 8, 2023. The amendments also remove all references to BCSC Form 45-906F.

ADDITIONAL INFORMATION

The amendments to Policy Statements 5, 6, and 13 were finalized following two concurrent 30-day public consultation periods. To review summaries of the feedback received from the public consultations, please refer to:

- Policy Statement 5 and 6 [Consultation Summary Report](#)
- Policy Statement 13 [Consultation Summary Report](#)

For copies of the amended Policy Statements 5, 6, and 13, please refer to:

- Policy Statement 5 [Redline](#) and [Clean](#) Versions
- Policy Statement 6 [Redline](#) and [Clean](#) Versions
- Policy Statement 13 [Redline](#) and [Clean](#) Versions

A developer is not required to file an amendment to their disclosure statement to comply with the revised Policy Statements, unless the amendments to Policy Statements 5, 6, and 13 will result in a misrepresentation in a developer's disclosure statement.

Developers, purchasers, and other stakeholders may wish to consult a lawyer for legal advice on disclosure requirements.

If you have any questions about this Advisory, contact BCFSa's [Practice Standards Advisors](#).