

| | |
|--|--|
| | <p style="text-align: center;">Consultation Paper / Questionnaire □ PROPOSALS FOR A □ REGULATORY FRAMEWORK FOR □ HOME INSPECTORS</p> |
|--|--|

INTRODUCTION

Home inspectors fill an important role for home buyers. Their advice about the condition of the home has a significant impact on the decision to purchase. While home buyers expect home inspectors to perform the job to a certain standard, there are no mandatory occupational and training standards for home inspectors in British Columbia.

A 2005 consultation conducted by the Homeowner Protection Office determined that the industry and related industry and consumer organizations supported regulation of home inspectors. Public Safety and Solicitor General Minister John Les has directed the Ministry to develop a regulatory framework under the *Business Practices and Consumer Protection Act* requiring a licence to practice as a home inspector and establishing other rules to protect consumers. Regulations are intended to enhance consumer protection and to give consumers confidence that standards of qualification are in place. It is not the intention to replace existing professional organizations, which may have additional requirements for membership and offer member services.

Your views on regulatory proposals will help the Ministry determine the appropriate standards. The regulatory framework is scheduled to be implemented in the fall of 2008.

The consultation questions are listed below. Please take the time to answer some or all of the questions. Mail, fax or e-mail your response using one of the following methods:

- A. Type your answers in the space provided (the space will automatically grow as you type). Save it to your computer. Mail, fax or attach the response to an e-mail message.

OR...

- B. Answer the questions on a separate paper. Mail or fax the response.

If hand writing responses, please use dark ink.

Mail: Ministry of Public Safety and Solicitor General
Consultation on Home Inspectors
Corporate Policy and Planning Office
PO Box 9283, Stn Prov Govt., Victoria, BC V8W 9J7

Fax: 250 387-2631

E-mail: PSSG-CPPO@gov.bc.ca

If you are responding by e-mail, please type **Consultation on Home Inspectors** in the e-mail message subject line.

Responses must be received by February 22, 2008

This consultation paper may be downloaded from:

<http://www.pssg.gov.bc.ca/legislation/current.htm>

REGULATORY AUTHORITY

Licensing of home inspectors is proposed under the *Business Practices and Consumer Protection Act*. The Business Practices and Consumer Protection Authority (BPCPA), an independent body, administers the act and licensing through an agreement with government.

The act authorizes designation of businesses, industries, trades, professions, occupations or employment, with some exceptions. A licence is required to operate or practice a designated activity. Terms and conditions of licensing are established in the act and regulations.

The act states that:

- A person may submit an application for a licence to the director of the BPCPA, along with information and records required by the director, and a fee established in regulation or by the BPCPA.
 - The director may issue a licence and may impose conditions on the licence.
 - The director may refuse to issue a licence, suspend or cancel a licence, or amend a licence under certain circumstances, after giving the person an opportunity to be heard.
 - The director may conduct an investigation to determine compliance or assess an applicant for a licence, and the director has powers to enter premises, take records and hear witnesses.
 - The director has several ways of enforcing compliance, for example, entering into undertakings, issuing compliance orders that may be filed in court, taking licensing action, imposing an administrative penalty or initiating court action.

Government may make regulations concerning the following:

- Designating a business, industry, trade, profession, occupation or employment
 - Establishing qualifications of licensees
 - Exempting a person from all or part of the act or regulation
 - Setting licence fees; alternately, licence fees may be established by the BPCPA
 - Concerning conditions imposed on a licence
 - Requiring a licence for each location; display of licence; term of a licence
 - Prohibiting or regulating a practice
 - Requiring that records must be kept or reported to the director
 - Establishing circumstances under which administrative penalties may be imposed.

PROPOSED REGULATIONS

Proposed below are the key areas to be established in a licensing regulation.

Scope of regulations

The *Business Practices and Consumer Protection Act* applies to consumer transactions, defined as supply of goods, services or real property by a supplier to a consumer for purposes that are primarily personal, family or household. This includes home inspection and property inspection services provided to a consumer. Commercial transactions, such as property inspection services provided to a business, are not captured under the act.