

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 040 , Approved and Ordered JAN 29 2009

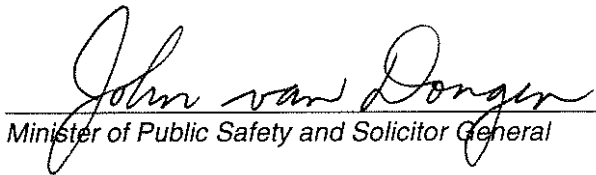


Lieutenant Governor

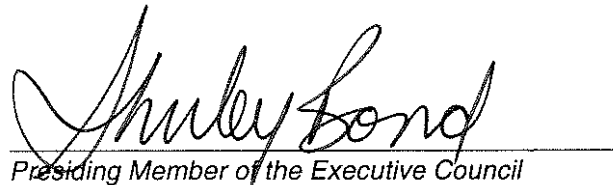
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective March 31, 2009,

- (a) the Business Practices and Consumer Protection Regulation, B.C. Reg. 294/2004, is amended as set out in the attached Schedule 1, and
- (b) the Home Inspector Licensing Regulation is made as set out in the attached Schedule 2.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Business Practices and Consumer Protection Act, S.B.C. 2004, c. 2, ss. 142.1, 164, 194, 199 and 200

Other (specify):- OIC 656/2004

SCHEDULE 1

- 1 *The Business Practices and Consumer Protection Regulation, B.C. Reg. 294/2004, is amended by adding the following section:*

Prescribed provisions for the Home Inspector Licensing Regulation

- 7.2 For the purposes of section 164 (1) (a) and (5) (a) of the Act, the following provisions of the Home Inspector Licensing Regulation are prescribed:
- (a) section 6 [*display or production of licence*];
 - (b) section 7 [*reporting changes to director*];
 - (c) section 8 [*records*];
 - (d) section 9 [*prohibitions*].

SCHEDULE 2

HOME INSPECTOR LICENSING REGULATION

Contents

- 1 Definitions
- 2 Designated activities
- 3 Qualifications for licence
- 4 Licence fees
- 5 Term of licence
- 6 Display or production of licence
- 7 Reporting changes to director
- 8 Records
- 9 Prohibitions
- 10 Transition
- 11 Repeal

Definitions

- 1 In this regulation:
- “**Act**” means the *Business Practices and Consumer Protection Act*;
 - “**licence**” means a licence, as defined in section 1 of the Act, to engage in a designated activity referred to under section 2 of this regulation;
 - “**home inspection**” means an opinion as to the condition of a residential dwelling or property based on a visual examination of readily accessible features and components of the dwelling or property;
 - “**home inspector**” means a person who engages in the business or occupation of home inspection.

Designated activities

- 2 The business and the occupation of home inspector are designated for the purposes of the definition of “designated activity” in section 142 of the Act.

Qualifications for licence

- 3 (1) An applicant for a licence as a home inspector must meet the qualifications set by an association or authority that, in the opinion of the director, is appropriate to assess the qualifications of home inspectors.
- (2) The director may require a home inspector to take additional training in a program related to home inspection.

Licence fees

- 4 (1) Subject to any applicable fees set by the administrative authority, a person must submit with the person's application for a licence
 - (a) a licence fee of \$100 for each year of the licence, and
 - (b) in the case of an applicant referred to in section 10 (2) (a), an additional application fee of \$250 for the assessment of the person's qualifications.
- (2) The fee established in subsection (1) (a) must be prorated for a portion of the year if the term of a licence is for less than a year or includes a portion of a year.

Term of licence

- 5 The director may issue a licence for a term not exceeding 3 years.

Display or production of licence

- 6 (1) In this section, "**representation**" means a representation as defined in section 4 (1) of the Act.
- (2) A licensee must
 - (a) display the licence in a conspicuous location in the place of business, or
 - (b) produce the licence on request.
- (3) A licensee must include the licence number on all representations and visual advertisements.

Reporting changes to director

- 7 A licensee must submit the following information to the director within 14 days of the occurrence of:
 - (a) a change in the name of the licensee;
 - (b) a change in the location from which the licensee conducts business.

Records

- 8 The licensee must have a business location where records are maintained.

Prohibitions

- 9 (1) A licensee must not carry on business in a name other than the name on the licence.
- (2) A licensee must not disclose contents of a home inspection report, except
 - (a) with the permission of the consumer,
 - (b) as required by law, or

- (c) if, in the opinion of the licensee, there is a serious health or safety risk.
- (3) A licensee must not have a conflict of interest in relation to a home inspection that results in a material gain to the licensee.

Transition

- 10** (1) In this section, “**effective date**” means March 31, 2009.
- (2) Despite section 3 (1), the director may issue a licence to a person doing business as a home inspector on or immediately before the effective date if,
- (a) in the opinion of the director, the applicant has experience, knowledge and ability that affords reasonable grounds to believe that the applicant will be able to operate as a home inspector, or
 - (b) the applicant has met the requirements of one of the following associations or authorities to operate as a home inspector:
 - (i) the Canadian Association of Home & Property Inspectors (BC);
 - (ii) the National Certification Program for Canadian Home and Property Inspectors;
 - (iii) the Applied Science Technologists and Technicians of British Columbia.

Repeal

- 11** Sections 4 (1) (b) and 10 are repealed on March 30, 2011.