

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 151, Approved and Ordered March 14, 2016


Lieutenant Governor

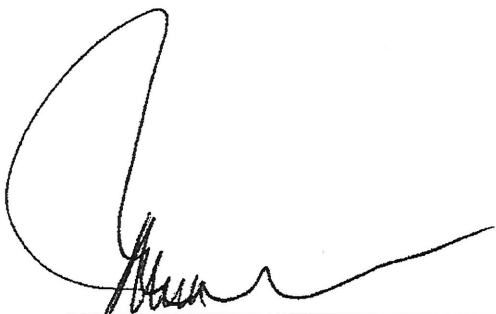
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 1, 2016, the Home Inspector Licensing Regulation, B.C. Reg. 12/2009, is amended as set out in the attached Schedule.

DEPOSITED

March 14, 2016

B.C. REG. 70/2016


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. 199 and 201

Other: OIC 40/2009

February 18, 2016

R/752/2015/17

SCHEDULE

1 *The definition of “home inspection” in section 1 of the Home Inspector Licensing Regulation, B.C. Reg. 12/2009, is repealed.*

2 *Section 3 is repealed and the following substituted:*

Qualifications for licence

- 3** (1) An applicant for a licence must meet the following qualifications:
- (a) successfully complete an educational program that is approved under subsection (3) (a);
 - (b) pass any of the following examinations:
 - (i) the Applied Science Technologists and Technicians of British Columbia’s House Inspection Competency Examination;
 - (ii) the Canadian Association of Home & Property Inspectors (BC)’s Canadian Home Inspection Examination;
 - (iii) the Canadian National Association of Certified Home Inspectors’ Associate Level Examination;
 - (iv) the Examination Board of Professional Home Inspectors’ National Home Inspector Examination (United States);
 - (c) accompany one or more licensees who are approved under subsection (3) (b) on home inspections for at least 50 hours;
 - (d) submit a peer recommendation letter that satisfies the director that the applicant has the knowledge and ability necessary to
 - (i) conduct home inspections, and
 - (ii) prepare home inspection reportsin a manner consistent with the standards prevailing among licensees.
- (2) A peer recommendation letter for the purposes of subsection (1) (d) must be
- (a) signed by a licensee who is approved under subsection (3) (c) and is not a licensee whom the person has accompanied for the purposes of subsection (1) (c), and
 - (b) based on
 - (i) a trial home inspection conducted under the supervision of the licensee who signed the letter, and
 - (ii) a home inspection report on that trial home inspection.
- (3) The director may approve the following:
- (a) a home inspection educational program for the purposes of subsection (1) (a), if the educational program includes at least 150 hours of instruction on the subject areas referred to in subsection (4) that
 - (i) covers all of those subject areas, and
 - (ii) is preparation for an examination referred to in subsection (1) (b);
 - (b) a licensee for the purposes of subsection (1) (c), if the licensee has conducted at least 250 home inspections;

(c) a licensee for the purposes of subsection (1) (d), if the licensee has conducted at least 1 000 home inspections.

(4) The subject areas for the purposes of subsection (3) (a) are the following:

- (a) roofing;
- (b) flashings;
- (c) chimneys;
- (d) the exterior system;
- (e) the structural system;
- (f) the electrical system;
- (g) the heating and cooling systems;
- (h) the insulation and ventilation systems;
- (i) the plumbing system;
- (j) the interior system.

3 *Section 4 is repealed.*

4 *Section 7 is amended*

(a) by renumbering the section as section 7 (1), and

(b) by adding the following subsection:

- (2) A licensee whose licence includes the condition referred to in section 7.1 (b) must immediately report to the director if the licensee's errors and omissions insurance or comprehensive general liability insurance has been cancelled or has lapsed.

5 *The following section is added:*

Conditions on licence

7.1 The director may impose, as a condition on a licence, one or more of the following:

- (a) that the licensee take periodic instruction or training, as specified by the director, in a program related to home inspection that is approved by the director;
- (b) that the licensee obtain and maintain errors and omissions insurance and comprehensive general liability insurance, in amounts approved by the director.

6 *Section 8 is repealed and the following substituted:*

Records

- 8** (1) A licensee must have a business location where records are kept.
- (2) The licensee must keep the following records at the business location referred to in subsection (1):
- (a) a copy of each home inspection contract entered into, and each home inspection report issued, by the licensee during the previous 2 years;

- (b) documentation of the licensee's errors and omissions insurance and comprehensive general liability insurance for the term of the licence of the licensee, if the licence includes the condition referred to in section 7.1 (b).

7 *The following sections are added:*

Home inspection contract requirements

- 12** (1) In addition to any information required under sections 19, 20 and 23 of the Act to be contained in a home inspection contract, a home inspection contract must
- (a) contain the address of the property to be inspected,
 - (b) specify what will be covered by the home inspection,
 - (c) state whether or not the licensee will inspect for mould,
 - (d) state whether or not the licensee will inspect for asbestos,
 - (e) state that the home inspection will be non-invasive or specify the invasive procedures that will be used, and
 - (f) contain the following statement:

Home inspectors operating in British Columbia are required to be licensed under the *Business Practices and Consumer Protection Act* and are regulated under that Act. The services of a home inspector are not provided on behalf of, or in affiliation with, the Province of British Columbia or the Business Practices and Consumer Protection Authority (commonly known and doing business as Consumer Protection BC). For more information on the regulation of home inspectors, what a home inspection should involve, how to select a home inspector and about your rights as a consumer, please contact Consumer Protection BC.

- (2) A licensee must not, in a home inspection contract,
 - (a) exclude from the home inspection a garage or carport, whether or not the garage or carport is attached to a dwelling,
 - (b) purport to limit the liability, or the amount of the liability, of the licensee, or
 - (c) purport to limit the time for making a claim against the licensee.

Home inspection report requirements

- 13** (1) A licensee must ensure that a home inspection report meets the following requirements:
- (a) the report is in writing;
 - (b) the report sets out an opinion on the condition of each of the things that the home inspection contract requires the licensee to inspect;
 - (c) the report identifies any of the things referred to in paragraph (b) on which the licensee recommends that the consumer obtain expert advice;
 - (d) the report specifies what is not covered by the home inspection;
 - (e) the report includes the following:
 - (i) the consumer's name and address;

- (ii) the licensee's name and, if different, the name under which the licensee carries on business;
 - (iii) the licensee's business address and, if different, the licensee's mailing address;
 - (iv) the licensee's licence number, telephone number and, if applicable, fax number and email address;
 - (v) the address of the property inspected;
 - (vi) the date of the home inspection.
- (2) A licensee must provide a copy of the home inspection report to the consumer on or before the date specified in the home inspection contract.