



**CONSUMER
PROTECTION BC**



Inspection Guide

Home inspectors

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A special note related to the COVID-19 pandemic

Due to the pandemic, Consumer Protection BC stopped doing in-person inspections of our licensed businesses in March 2020.

Since then, we have learned more about the impact of COVID-19 in the marketplace and on you, as one of our licensed businesses. We have now resumed in-person inspections.

With a few exceptions, our standard inspections policies and rules apply as outlined in this inspection guide. This also means that unless there are mitigating circumstances specific to your business practices, no advance notice of inspection will be made.

We take safety seriously.

Your safety and the safety of our staff matter to us.

Here are some of the changes we've made:

- Inspectors will continue to wear N-95 masks for the foreseeable future.
- Inspectors will have their own supply of PPE and will sanitize their hands and other surfaces.
- Inspectors may ask for licensee-employees to wear masks when communicating with or in the same room as the Inspector. Failing this, the licensee/employees may be asked to remain 2 meters distant from the Inspector at all times.
- Inspectors will allow for their credentials to be examined (from a distance). Inspectors will provide business cards at the time of inspection.
- Where possible, inspectors may ask that they be allowed to isolate themselves in a private area of the business while they perform the administrative functions of the inspection.
- Inspectors will select items to be inspected. This amends the former practice of allowing the licensee's employees assist with that process.

Inspectors may ask you about the status of the location being inspected. These questions will include:

- Have any employees at the location been diagnosed with Covid-19 within the last 2 weeks?
- Is anyone at the licensed location suffering from illness or Covid-19 symptoms?

If you have questions about our protocols and processes, the best option is to speak to the Inspector that engages with you during an inspection.

Thank you,

The Consumer Protection BC Inspections & Case Management Team

Introduction

Consumer Protection BC is responsible for the administration and enforcement of the *Business Practices and Consumer Protection Act* (BPCPA), the *Ticket Sales Act* (TSA), the *Cremation Interment and Funeral Services Act* (CIFSA), and the Home Inspector Licensing Regulation (HILR). Together the BPCPA and HILR govern the conduct of persons who engage in the business or occupation of home inspection and the licensing requirements for home inspectors in British Columbia.

This guide has been prepared to better inform and educate you on the compliance inspection process. As one of our licensed businesses, it is your responsibility to conduct yourself and operate your business in compliance with the laws and conditions on your license. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information contained herein.

This guide serves as a reference, so you know what to expect and how to prepare for an inspection conducted by a Consumer Protection BC Inspector.

This is a general overview of the inspection process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or the operation of your licensed business. We recommend that you get copies of the legislation and review it in detail. You can order from Crown Publications at www.crownpub.bc.ca.

For more general information, visit our corporate website at www.consumerprotectionbc.ca. To learn more about your licensing requirements and legal obligations, [visit the Get & Keep your Licence](#) section of our website. To find out how best to contact us, please [visit the Contact Us](#) page of our website.

Background: our responsibilities

The role of Consumer Protection BC

Consumer Protection BC licenses and inspects regulated businesses, responds to consumer inquiries, investigates alleged violations of consumer protection laws, classifies all general release and adult films, and provides information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform risk-based inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in voluntary compliance with the law or some form of enforcement action being taken by the Director, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

You are legally responsible for compliance with the laws and licensing conditions as it relates to the operation of your business. You are also responsible for ensuring your employees and agents are acting in compliance with the laws and licensing conditions applicable to your business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions of the laws we administer. A person who obstructs, hinders, or makes misleading statements to an inspector is subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province, sometimes arriving unannounced. The BPCPA, CIFSA and MPA allows for an inspector to enter a business at any reasonable time to determine compliance with the law, conditions on a licence, the suitability of a licensee or an applicant for a licence.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business.

The BPCPA gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person
- Inspect, audit or examine any record, goods or other things or the provision of services in the premises
- Inspect a vehicle or vessel that is being used for business purposes
- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things

- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premise, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection

Once the inspection is complete, the inspector will review the results with you or the manager on duty at the time of the inspection. The inspector may discuss any non-compliance identified during the inspection at this time. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you at the email address identified in your My Account set up with Consumer Protection BC.

In order to receive the digital copy of the Certificate of Inspection, you must have your My Account set up. If your email is not entered into the My Account, you will not receive the Certificate of Inspection and other pertinent documents related to the inspection. To setup your My Account, please go to www.consumerprotectionbc.ca and select “MyAccount Login” or contact operations@consumerprotectionbc.ca for assistance.

Post Inspection Report and follow up

After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will update the Inspection Checklist¹ and email you a report with the results of the inspection to the email address you provided in My Account. The report will identify any alleged violations that you must correct and/or any alleged violations for which the inspector recommends that enforcement action be taken by the Director. Any further instruction(s) will be noted in the inspector’s notes in the report.

For more information on the enforcement process, please see the section below entitled “Enforcement.”

We may conduct a follow up inspection to ensure that non-compliance found at the previous inspection is corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement hearing, they will notify you of these alleged contraventions in the report issued after the inspection. The inspector will also prepare a Report to the Director (RD) document for the Director of Inspections & Case Management. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to enforcement hearing and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegations made in the RD. A decision-maker will then decide whether the allegation took place, and whether statutory action such as an administrative

¹ See Appendix – Inspection Checklist

penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or the delegated decision maker.

Before deciding to impose an Administrative Monetary Penalty (“AMP”) and calculating the amount of the AMP, the decision-maker will consider the factors set out in section 164(2) of the BCPA. To calculate the amount of the AMP the decision-maker will normally apply the policy of Consumer Protection BC, “Calculating Administrative Monetary Penalties Policy and Procedures.”, including its AMP Penalty Matrix. This policy is available on the website of Consumer Protection BC at www.consumerprotectionbc.ca. You can access the policy electronically by clicking the following link: [Admin Penalty Policy and Procedure](#).

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

What will be inspected

Remember that while inspectors attend businesses to test for compliance with the laws we administer and any conditions we have imposed on a licence, they are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the laws we administer.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a licence for any issues that are identified;
- Inspect the physical layout of the business;
- Inspect legal, financial and other business records;
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance;
- Identify any contraventions;
- Answer your questions and help you understand your obligations


To find out what an inspector will examine during the inspection, please read a sample inspection checklist (Appendix-Inspection Checklist). Note: the items on the checklist are not an exhaustive list of the items an inspector may examine.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection in advance so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention of the law.

Appendix A - Inspection Checklist

The following are the types of types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 Licence #: _____ Date of inspection: _____				
Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
LICENSING AND OPERATIONAL REQUIREMENTS				
1	Inspector to note : Are any of the home inspection contracts the licensee executes future performance and/or distance sales contracts?			
2	BPCPA 143 Was the home inspector properly licensed at the time of all home inspections conducted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	HILR 6(2)(a) If applicable, was the licensee's licence displayed at a permanent place they conduct business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	HILR 6(2)(b) If the licensee does not have a permanent place of business to post their licence, was the licensee able to produce their licence on request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	HILR 6(3) Was the licensee including their licence number in all representations and visual advertisements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	HILR 7(1)(a) Did the licensee submit any name changes to the Director within 14 days of the change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	HILR 7(1)(b) Did the licensee report any change(s) of address from where they conduct business within 14 days of the change(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	HILR 7(2) Did the licensee immediately report all instances where their errors and omissions/liability insurance was cancelled or lapsed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	HILR 8(1) Is the licensee maintaining a business location where records are kept?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Inspector note location where records are kept:			

Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
11	HILR 8(2)(a) Did the licensee keep a copy of all executed home inspection contracts and the associated home inspection reports issued by the licensee for the previous 2 years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	HILR 8(2)(b) Was the licensee keeping documentation of their errors and omissions/liability insurance for the entire term they have been licensed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROHIBITIONS				
13	HILR 9(1) Was the licensee only carrying on business in the name on their licence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	HILR 9(2)(a) Was the licensee only disclosing contents of home inspection reports with the permission of the consumer or, in compliance with HILR 9(2)(b) or HILR 9(2)(c) ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	HILR 9(2)(b) Had the licensee been required to disclose the contents of a home inspection report by any lawful authority? If so, describe circumstances:			
16	HILR 9(2)(c) Has the licensee disclosed the contents of any home inspection report because in their opinion there were serious health and safety risk? If so, describe circumstances:			
17	HILR 9(3) Has the licensee complied with the requirement to not have a conflict of interest that resulted in a material gain to them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME INSPECTION CONTRACTS (If applicable to Distance Sales or Future Performance contracts)				
18	BPCPA 19(a) Did all home inspection contracts list the supplier's name or registered DBA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	BPCPA 19(b) Did all home inspection contracts list the supplier's physical and if different, the supplier's mailing address?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	BPCPA 19(c) Did all home inspection contracts list the telephone and facsimile number of the supplier?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	BPCPA 19(e) or BPCPA 46(1)(c) as applicable. - Did all the home inspection contracts executed by the supplier include a detailed description of all of the goods and services to be supplied?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	BPCPA 19(f) If the home inspection contracts included items that could be added to the standard home inspection services provided, was an itemized purchase price for each included in the contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	BPCPA 19(g) Were all costs payable including taxes disclosed in executed home inspection contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
24	BPCPA 19(i) Did all executed home inspection contracts include a detailed statement of the terms of payment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	BPCPA 19(j) Was the total price listed in all home inspection contracts executed by the supplier?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	BPCPA 19(n) Did all home inspection contracts list any other restrictions, limitations or other conditions related to the supply of goods or services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	HILR 12(1)(a) Did all contracts contain the address to be inspected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	HILR 12(1)(b) Did all home inspection contracts detail specifically what will be covered by the inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	HILR 12(1)(c) Did all the home inspection contracts specifically state whether or not the licensee would inspect for mould?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	HILR 12(1)(d) Did all the home inspection contracts specifically state whether or not the licensee would inspect for asbestos?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	HILR 12(1)(e) Did all the contracts state that the home inspection would be non-invasive or, state any invasive procedures that would be used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	HILR 12(1)(f) Did all contracts contain the complete disclosure about the BPCP Act?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	HILR 12(2)(a) Were all contracts compliant with the requirement to not exclude garages or carports from the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	HILR 12(2)(c) Were all home inspection contracts free from statements or references to the time in which a consumer may make a claim against the licensee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	HILR 12(2)(b) Were contracts free from statements or references to the licensee's liability limitations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IF HOME INSPECTION CONTRACTS WERE DISTANCE SALES CONTRACTS				
36	BPCPA 46(1)(b) If distance sales contracts, was the suppliers email address disclosed to the consumer in advance of the consumer signing the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	BPCPA 46(1)(f) If distance sales contracts, were the supplier's cancellation policies disclosed to the consumer in advance of the consumer entering into the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	BPCPA 46(2) If distance sales contracts, were the disclosures of the required information made in a clear and comprehensible manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
36	BPCPA 47(2)(a)(ii) If distance sales contracts were in electronic form, were the required disclosures made such that the consumer could print the information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40	BPCPA 48(1) & (2) (a)(b) and (c) If distance sales contracts, did the supplier provide the consumer a copy of the contract with the BPCPA sec. 46 disclosures within 15 days of the contract date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME INSPECTION REPORTS				
41	HILR 13(1)(a) Were all home inspection reports in writing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	HILR 13(1)(b) Did each home inspection report set out an opinion on each thing the home inspection contract required the licensee to inspect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	HILR 13(1)(c) Where applicable, did each home inspection report identify items where the licensee recommended the consumer obtain advice of an expert?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44	HILR 13(1)(d) Did each home inspection report specifically list items not covered by the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
45	HILR 13(1)(e)(i) Did each home inspection report list the consumers name and address?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
46	HILR 13(1)(e)(ii) Did each home inspection report list the licensee's name or DBA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
47	HILR 13(1)(e)(iii) Did each home inspection report list the licensee's business address and if different, the mailing address.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
48	HILR 13(1)(e)(iv) Did each home inspection report list the license number and if applicable, the e-mail and fax number for the licensee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
49	HILR 13(1)(e)(v) Did each home inspection report include the address of the property inspected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50	HILR 13(1)(e)(v) Did each home inspection report include the date of the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
51	Was certificate of inspection automatically provided to licensee after the inspection or, if not possible in my account, manually at a later time?			

Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
52	Is the Licensee a member of a professional association? If so, which one:			
53	Was the Licensee a member of a professional association in the past? If Yes, which one(s):			

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.