

## HOUSE AND PROPERTY INSPECTION CASE SUMMARIES 2016

Note: Reference to one gender implies all genders, unless the context requires otherwise.

### **CASE #15-05**

#### **STATEMENT OF COMPLAINT:**

That the Respondent, an Applied Science Technologist Provisional AScT(P) and a Certified House Inspector (CHI), conducted a house inspection and failed to report that Polybutylene plastic piping (Poly-B) was used for the plumbing system.

#### **INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC-PI Standards of Inspection.

The PRB investigation, which included a review of the documentation pertaining to the house inspection, a site visit, as well as an interview with the Respondent, confirmed that there was poly-B piping throughout the house. The Respondent was negligent in not reporting the presence of Poly-B piping at the time of the pre-purchase house inspection, and this was contrary to the ASTTBC-PI Standards of Inspection.

During the fact finding process, the Investigator identified serious concerns regarding the Respondent's practice and reported this to the Registrar, who initiated a Practice Assessment Review (PAR) to determine if the issues found with the Respondent's inspection and reporting were from a singular event for the property that was the subject of this complaint, or whether they were indicative of the Respondent's competencies. A subject matter expert other than the Investigator carried out the PAR consisting of a review of 5 inspection reports including the report that was the subject of this complaint.

The PAR results confirmed the initial concerns that arose from the investigation of the complaint.

#### **PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB concluded that the Respondent's knowledge and practice as a Certified House Inspector (CHI) did not meet the minimum standards set by ASTTBC-PI. Therefore, under section 4.7 d) v) E) of the ASTTBC Act and Regulations, the PRB temporarily suspended the Respondent's certification as a Certified House Inspector. The suspension of certification was temporary until such time that the conditions specified by the PRB were satisfied. The conditions required that the Respondent submit results indicating achievement of Level 7 of the Canadian Language Benchmarks test for English in speaking, writing, reading and listening. The Respondent was also required to undergo field training to improve competencies as a Certified House Inspector, and, upon completion of the Field Training, successfully complete a Field Assessment as a Certified House Inspector. Consumer Protection BC was notified of the temporary suspension, as they are the licensing body for House & Property Inspectors.

#### **OUTCOME:**

The Respondent accepted the PRB conditions and wrote the Canadian Language Benchmarks test but did not achieve Level 7 in all categories. The field training was subsequently completed however the Field Assessment was unsuccessful. Upon receiving the results, the Respondent advised the Registrar that he had started lessons in English, as his priority was to first improve the command of the English language, which could then be applied to better report writing.

The PRB was provided with a status update and required that the Respondent's database record be flagged and if the Respondent applied for reinstatement, this file would be reopened to confirm that all prior PRB recommendations had been completed to the satisfaction of the PRB. Further, all certification and registration criteria as required for a new applicant were to be considered prior to reinstatement. In addition, the PRB required that ASTTBC continue to monitor and facilitate the field training and assessment.

As the Respondent was no longer a practicing House Inspector on account of the temporary suspension, no further action was required at the time, and the file was closed.

Update: The Respondent continued to improve his competencies and has since achieved the requirements to be reinstated as a CHI (Provisional).

#### **CASE #15-07**

##### **STATEMENT OF COMPLAINT:**

That the Respondent, a Certified House Inspector (CHI), conducted a house inspection but failed to report on the absence of heat in one room, potentially due to a problem with the in-floor radiant heating system.

##### **INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC-PI Standards of Inspection.

The PRB investigation, which included a review of all documentation, photographs and correspondence with respect to this complaint, an interview with the Respondent, as well as a site visit to the subject location, found that the house contained 3 zones of radiant in-floor heating with one zone per level of the house. At the time of the investigation, the Investigator used a thermal imaging camera to determine that all zones appeared to be functioning normally, with the exception of the top floor bedroom, where no temperature rise could be detected.

In an interview with the Investigator, the Respondent advised that the lack of heat in the upstairs bedroom had not been noticed. The inspection report showed a photo of the Respondent checking the in-floor heating at the basement level with an infrared thermometer, and also indicated a small variation in the basement floor temperature, which suggested that the Respondent was checking the distribution function of the boiler system. However, each zone during the inspection was not thoroughly checked. The comment in the inspection report, "*Recommend that a qualified heating contractor service and evaluate the heating system*", was based on the basement zone temperature variation, without specifying the issue with the top floor bedroom heat.

##### **PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB determined that, regardless of whether or not there actually was an issue with the heating at the time of inspection, by not thoroughly checking all areas of each heating zone in the house, the Respondent did not carry out best inspection practices. Therefore, the PRB concluded that, by failing to adhere to the ASTTBC-PI Standards of Inspection, the Respondent had violated Principles 1 & 7 of the ASTTBC Code of Ethics.

The PRB required that a letter of reprimand be sent to the Respondent, as a reminder of the requirement to complete a thorough house inspection and abide by the ASTTBC-PI Standards of Inspection

##### **OUTCOME:**

No further action was required and the file was closed.

#### **CASE #15-25**

##### **STATEMENT OF COMPLAINT:**

That the Respondent, a Certified House Inspector (CHI) conducted a pre-purchase house inspection on behalf of a prospective buyer but made several errors and omissions in the inspection report.

##### **INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC-PI Standards of Inspection.

During the investigation concerns arose regarding the Respondent's practice with respect to report writing, therefore a Practice Assessment Review (PAR) was initiated to determine if the issues found with the Respondent's inspection and reporting were a singular event for the property that was the subject of the complaint, or whether they were indicative of his competencies. A subject matter expert other than the Investigator carried out the PAR consisting of a review of 3 inspection reports other than the report that was the subject of the complaint.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

Through the results of the PAR, the Practice Review Board (PRB) determined that the Respondent might benefit from training in order to strengthen his competencies with respect to inspections in general and report writing in particular. The PRB tabled the case file until such time that the Respondent was advised of the results of the PAR and his willingness to undergo training was determined.

The Respondent was provided with the PAR results and advised about the requirement to undertake field training and assessment to improve his Home Inspection-related competencies. He subsequently advised ASTTBC that he would not be renewing his membership with ASTTBC as he was retiring from the home inspection industry.

**OUTCOME:**

As the Respondent was no longer a practicing Certified House Inspector, no further action was possible at the time, as ASTTBC's mandate for complaints and discipline extends to members only. Therefore, the file was closed and Consumer Protection BC, the licensing body for House Inspection in BC, was advised of the Respondent's resignation from ASTTBC.

**CASE #15-28**

**STATEMENT OF COMPLAINT:**

That the Respondent, a Certified House Inspector (CHI), failed to report on the water damage in the basement during a pre-purchase house inspection.

**INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC-PI Standards of Inspection.

The PRB investigation included an interview with the Respondent as well as a review of his comments on the complaint. It was not possible to review the Respondent's copies of the inspection related documentation, because when asked to submit copies of these documents, the Respondent advised that as his computer had been damaged, all stored information including the documentation pertaining to the inspection had been lost.

Despite several attempts, the Investigator was unsuccessful in meeting with the Complainant, but learnt that the Complainant had already filed a civil claim against the Respondent. As a site visit was not possible, the Investigator was unable to reach any conclusions on the actual inspection conducted. Therefore the allegation of an omission in the inspection report could not be conclusively substantiated. However, a review of the inspection report received from the Complainant determined that the Respondent's documentation did not meet ASTTBC-PI Standards. Further, the failure to retain backup copies of inspection-related documentation was contrary to the Limitations Act, and was not good business practice, as it placed the Respondent in a vulnerable position in the event of a civil claim.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB determined that the Respondent's actions were contrary to the ASTTBC-PI Standards of Inspection. Therefore the PRB required that the Respondent undergo a Practice Assessment Review (PAR) to assess competencies as a Certified House Inspector.

**OUTCOME:**

The Respondent accepted the PRB recommendation. The PRB was provided with a status update and also advised that ASTTBC would monitor the progress on the PAR and provide the results to the PRB.

No further action was required at the time, and the file was closed.

**CASE #16-03**

**STATEMENT OF COMPLAINT:**

That the Respondent, a Certified House Inspector (CHI), made several errors and omissions in the pre-purchase house inspection and report for the client, a prospective buyer. The inspection report prepared by the Respondent negatively impacted the sale of the Complainant's house.

**INVESTIGATION:**

The above allegations, if found to be true, would be contrary to the ASTTBC-PI Standards of Inspection.

The PRB investigation, which included a review of the Respondent's inspection-related documentation, determined that the inspection report was very clear and well written. The investigation also determined that the Complainant's description of the deficient items did not present any substantive basis for the complaint. Further the complaint described minor insignificant interpretations of the Respondent's own comments on the inspection report. From the findings of the investigation, the Respondent had complied with the ASTTBC Code of Ethics and the ASTTBC-PI Standards of inspection.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB determined that there was no evidence to substantiate a violation of the ASTTBC Code of Ethics and Practice Guidelines on the part of the Respondent.

**OUTCOME:**

No further action was required and the file was closed.