

## HOUSE AND PROPERTY INSPECTION CASE SUMMARIES 2017

Note: Reference to one gender implies both genders, unless indicated otherwise.

### **CASE #15-26 (2)**

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

That the Respondent, a Certified House Inspector (CHI), conducted a house inspection but failed to report on the leakage in the ensuite bathroom, as well as the presence of mold in the crawlspace.

#### **INVESTIGATION:**

These allegations, if found to be true, would be contrary to the ASTTBC Property Inspection (PI) Standards of Inspection.

The PRB investigation confirmed the allegations and in an interview with the Investigator the Respondent admitted to the omissions in his report. Although his inspection report did contain some observations on the condition of the house, the report was lacking in sufficient detail and did not meet the standard set by the ASTTBC-PI Standards of Inspection.

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

The findings raised a concern for the PRB with respect to the Respondent's practice as a CHI and accordingly, the PRB required that the Respondent undergo a Practice Assessment Review (PAR) to assess the Respondent's competencies as a CHI.

#### **OUTCOME:**

The Respondent underwent the PAR, wherein one of the key findings was that his inspection reports did not provide any assessment of the condition of key components. As deficiencies in those areas could have very serious consequences, this gave rise to concern over the Respondent's reporting and knowledge. The Respondent was directed to undertake field training to improve House Inspection-related competencies and the preparation of house inspection reports. Upon completion of the field training, he was required to successfully complete a full Competency Assessment Inspection (CAI) to demonstrate that he had the required competencies for conducting house inspections in compliance with the ASTTBC Property Inspection Standards of Inspection.

The Respondent had already undertaken training to improve his competencies and submitted the necessary documentation to attest to this fact. Therefore, the Respondent proceeded directly to a CAI and was found to be practicing in full compliance with ASTTBC certification criteria, the Standards of inspection and the Practice Standards applicable to the Respondent. The PRB was updated accordingly.

No further action was required and the file was closed.

### **CASE #16-21**

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

That the Respondent, a Certified House Inspector (CHI) and a Professional Engineer (P.Eng.) in the Civil and Structural disciplines, conducted an inspection for the Complainant, however the inspection and written report did not accurately reflect the condition of the property. The complaint further alleged that the Respondent has violated the ASTTBC Code of Ethics by failing to disclose a prior inspection at the same location for a different client, and finally, that there were serious discrepancies between the report for the prior inspection and the one for the Complainant, which could not be explained by the short passage of less than four months.

**INVESTIGATION:**

These allegations, if found to be true, would be contrary to Principle 4 of the ASTTBC Code of Ethics and Practice Guidelines and the ASTTBC-PI Standards of Inspection.

The complaint was submitted to ASTTBC more than 4 years after the inspection had been conducted by the Respondent. Nonetheless, an investigation was initiated as the Complainant claimed to have discovered the Respondent's role in the matter only shortly before submitting the complaint.

The PRB investigation, which included a review of all complaint-related documentation, as well as interviews with the parties to the complaint, found inconclusive evidence to prove the alleged inaccuracies in the Respondent's inspection reports. However, his practice of inspecting the same property for two different parties without specific agreements from them was contrary to the ASTTBC-PI Standards of Inspection.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB reviewed the findings and required that, as the time period of 2 years for submission of complaints specified in Section 4.7 d) i) of the ASTT Act and Regulations had been exceeded, the complaint be extinguished. The PRB also required that a letter of caution be sent by the Registrar to the Respondent, advising him of his responsibility to abide by the ASTTBC Code of Ethics and Practice Guidelines, as well as the ASTTBC-PI Standards of Inspection, with particular attention to disclosure in case of previous inspections for the same property. Finally, as the Respondent was also a member of the Association of Professional Engineers and Geoscientists of BC (APEGBC, now EGBC) the PRB required that APEGBC be advised of the complaint.

**OUTCOME:**

The Respondent and Complainant were provided with the PRB's decision. EGBC was notified of the complaint.

No further action was required and the file was closed.

**CASE #16-23****STATEMENT OF COMPLAINT:**

That the Respondent, a Certified House Inspector (CHI) conducted a house inspection but failed to report moisture damage on the east wall of the home, resulting in extensive repairs.

**INVESTIGATION:**

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

As the Complainant had already arranged for repairs at the time of submission of the complaint, the investigation could not confirm the condition of the wall. However, a review of the Respondent's inspection-related documentation determined that the Respondent's inspection report did contain observations on the condition of the house at the time of the inspection, although the inspection was constrained by the limitations of the inspection contract, which did not require a House Inspector to remove or cut into any finished surface to check the condition of concealed features. The investigation did conclude however, that although the Respondent's report appeared to be adequately organized, it was inconsistent and unclear, and did not meet the standard set by the ASTTBC-PI Standards of Inspection.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB reviewed the findings and required that the Respondent undertake training to improve House Inspection-related competencies with particular emphasis on building envelope inspection and report writing. The training was to be in accordance with the ASTTBC Mentoring, Field Training and Assessment policy and procedures, as were currently applied for Property Inspection. Upon completion of the training, the Respondent was then required to undergo and successfully complete a Competency

Assessment Inspection to demonstrate that he had the required competencies for conducting house inspections in compliance with the ASTTBC Property Inspection Standards of Inspection.

**OUTCOME:**

The Respondent agreed to comply with the PRB recommendations and initiated the training process. ASTTBC would continue to monitor the file to ensure completion of all conditions.

No further action was required and the file was closed

**CASE #17-07**

**STATEMENT OF COMPLAINT:**

That the Respondent, a Certified Technician (CTech) in the Building discipline and a Certified Property Inspector (CPI), was unfair in his treatment towards the Complainant.

**INVESTIGATION:**

This allegation, if found to be true, would be contrary to Principle 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The Respondent was an instructor for a House Inspection course. The Complainant was a student taking this course, and received a final grade of 'INC', which he interpreted as 'Incomplete'. No explanation was provided to the Complainant, who believed he had completed all the requirements for the course. The Complainant contacted the Respondent for clarification, but never received a response. On the basis of what he believed to be unfair treatment on part of the Respondent, the Complainant then filed a complaint with ASTTBC.

The Respondent was provided with a copy of the complaint, but failed to submit any comments and did not respond to any subsequent follow-up or final notifications by ASTTBC.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB noted that ASTTBC had made every reasonable attempt to obtain the Respondent's comments on the matter; however, he had failed to respond. Therefore the investigation into the complaint could not determine the Respondent's role or actions with respect to the complaint.

The PRB considered the Respondent's failure to respond to communication from ASTTBC, without adequate explanation, as a breach of Regulation 5.4 Duties of Members: a) respond promptly to all communications from the Association; and of Principle 7 of the Code of Ethics: Conduct themselves with fairness, honesty, courtesy and good faith towards clients, colleagues and others, give credit where it is due and accept, as well as give, honest and fair professional comment.

Accordingly, under section 4.7 d) v) E) of the ASTTBC Act and Regulations, the PRB temporarily suspended the Respondent's registration as a Certified Technician (CTech) and as a Certified Property Inspector (CPI). The suspension was immediate, and the Respondent was notified of the suspension. The PRB further moved that reinstatement would be subject to the Respondent contacting ASTTBC and this case file being resolved to the satisfaction of the PRB.

**OUTCOME:**

The Respondent never responded to the complaint but subsequently advised ASTTBC that he was withdrawing his membership with the association.

No further action was required and the file was closed.

### **CASE #17-08**

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

That the Respondent, a Certified Technician (CTech) in the Building discipline and a Certified Property Inspector (CPI), was unfair in his treatment towards the Complainant.

#### **INVESTIGATION:**

This allegation, if found to be true, would be contrary to Principle 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The Respondent was an instructor for a House Inspection course. The Complainant was a student taking this course, and received a final grade of 'INC', which he interpreted as 'Incomplete'. No explanation was provided to the Complainant, who believed he had completed all the requirements for the course. The Complainant contacted the Respondent for clarification, but never received a response. On the basis of what he believed to be unfair treatment on part of the Respondent, the Complainant then filed a complaint with ASTTBC.

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Accordingly, under section 4.7 d) v) E) of the ASTTBC Act and Regulations, the PRB temporarily suspended the Respondent's registration as a Certified Technician (CTech) and as a Certified Property Inspector (CPI). The suspension was immediate, and the Respondent was notified of the suspension. The PRB further moved that reinstatement would be subject to the Respondent contacting ASTTBC and this case file being resolved to the satisfaction of the PRB.

#### **OUTCOME:**

The Respondent never responded to the complaint but subsequently advised ASTTBC that he was withdrawing his membership with the association.

No further action was required and the file was closed.

### **CASE #17-10**

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

That the Respondent, a Certified Technician (CTech) in the Building discipline, a Certified House Inspector (CHI) and a Registered Reserve Fund Analyst (Limited) (RRFAL) was unprofessional in his interaction with the Complainant.

#### **INVESTIGATION:**

This allegation, if found to be true, would be contrary to Principle 7 of the ASTTBC Code of Ethics and Practice Guidelines.

The Complainant was the listing realtor for a property where the Respondent conducted a pre-purchase home inspection for a prospective buyer. The Respondent failed to return the house key promptly to its lock box which led to the Complainant contacting him in an effort to retrieve it. On finding the ensuing discussion unprofessional, a complaint was filed with ASTTBC.

The Respondent advised that he was distracted on leaving the site and forgot to put the key back in the lock box. He further advised that he had made arrangements to return the key, and maintained that his actions were timely and professional.

With respect to the communication between the Respondent and Complainant, without actually being witness to their communication, it was not possible to determine whether or not the Respondent was actually unprofessional in his dealings with the Complainant.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

Regardless of the fact that the key was eventually returned, the Respondent's closing process for an inspection did raise some concerns for the PRB. Accordingly, the PRB required that a letter of caution be sent by the Registrar to the Respondent, advising him of his responsibility to abide by the ASTTBC Code of Ethics and Practice Guidelines, and to implement more robust processes in his practice as a Certified House Inspector.

**OUTCOME:**

The Respondent was sent the required letter, and the Complainant was also provided with an update.

No further action was required and the file was closed