

PROPERTY INSPECTION CASE SUMMARIES 2019

CASE #17-15

STATEMENT OF COMPLAINT:

That the Respondent, a Certified House Inspector (CHI), threatened to display inappropriate signage in front of properties listed for sale by the Complainant, thus negatively impacting their real estate business.

INVESTIGATION:

A preliminary investigation was initiated as per ASTT Regulations 4.7 d) iv), and the results were submitted to the PRB. The PRB reviewed the complaint and preliminary investigation findings on April 19, 2018, and found sufficient concern to constitute a potential violation of Principles 7 & 9 of the ASTTBC Code of Ethics. Therefore, the PRB required that the Respondent undergo a Practice Assessment Review as part of the investigation to allow the PRB to better understand their practice. The Respondent accepted the requirement to undergo the PAR, which was subsequently conducted by an ASTTBC Quality Assurance Specialist (QAS).

Through the PAR results, the Respondent's practice as a Certified House Inspector was determined to be substantially in compliance with the ASTTBC Code of Ethics and Practice Standards applicable to House Inspections, with some areas identified as needing improvement.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB considered the results of the investigation, based on which, the PRB made a finding of fact, which is that the Respondent did send the afore-mentioned threat to the Complainant. This finding led to the Code of Ethics, and determined a breach of Principle 7 of the Code of Ethics. The facts did not support the finding of a breach of Principle 9 of the Code of Ethics.

Therefore, the PRB required that the Respondent submit a statement of assurance acceptable to the Registrar, that they had read, understood how the violation related to the ASTTBC Code of Ethics, and would abide by the ASTTBC Code of Ethics. The Respondent was also required to prepare and submit a Professional Development Plan (PDP), acceptable to the Registrar, which would be completed within 6 months from the date of submission to ASTTBC.

The Respondent prepared and submitted the PDP, outlining the activities they intended to undertake to address the gaps and improve their practice. The PDP was adequate and acceptable. The Respondent also submitted an acceptable statement of assurance, apologizing for their conduct with respect to the Complainant, and confirmed having re-read the ASTTBC Code of Ethics, paying particular attention to Principle 7, understanding where and how they were in contravention of the Code. They also advised that they had read and understood this Principle in its entirety, including the Amplifications and Commentary. The statement was written in a mindful manner, and concluded with an assurance of appropriate behaviour.

OUTCOME:

No further action was required and the file was closed. ASTTBC will monitor the file to ensure compliance with the PDP.

CASE #18-06

STATEMENT OF COMPLAINT:

That the Respondent, a Certified Technician (CTech) and Certified Property Inspector (CPI), completed a home inspection on the Complainant's property soon after it had been purchased and submitted a report indicating the roof had no visible defects. However, it was discovered that the rear roof deck had severe surface sagging at the sheathing between the rafters, and

consultations with roofing contractors confirmed the roof was in need of immediate replacement. When notified about the condition of the roof, the Respondent returned to the residence to visually inspect it and agreed that it was in poor condition, requiring repair or replacement, but did not accept responsibility, nor did they offer any kind of refund or compensation for the roof replacement cost.

INVESTIGATION:

A preliminary investigation initiated as per ASTT Regulations 4.7 d) iv) found that the Respondent's inspection report made no mention of the fact that they did not view the rear deck of the roof, nor did they provide any reasonable justification for not accessing the roof. Further, the inspection report in general provided scant explanation of the assessment of the conditions of the required systems of the home.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB reviewed the complaint and found the Respondent's actions to have been contrary to Principles 1 and 3 of the ASTTBC Code of Ethics as well as the ASTTBC-PI Standards of Inspection. Therefore, they were levied a fine of \$250, as a deterrent to any future violations of the ASTTBC Code of Ethics and ASTTBC-PI Standards of Inspection.

OUTCOME:

The Respondent was informed regarding the fine which they subsequently paid. They also switched their membership for both designations to the 'retired' category.

No further action was required and the file was closed.

CASE #19-04

STATEMENT OF COMPLAINT:

Upon conducting a pre-purchase home inspection the Respondent, at the time a Certified House Inspector (CHI) advised the listing realtor that the house be "condemned" because "*the foundation had failed*" and that the Respondent "*could not let these buyers buy the house*". The complaint further alleged that during the inspection, the Respondent overstepped their professional knowledge and boundaries, was extremely unprofessional and traumatized both the Buyers and the Sellers.

INVESTIGATION:

A preliminary investigation was initiated as per ASTT Regulations 4.7 d) iv), which found the following: a) the Respondent's inspection and subsequent report did not comply with the ASTTBC-PI Standard of Inspection currently in use; b) as a CHI they are not certified as qualified to make statements regarding foundation failures, are not qualified under any 'Authority Having Jurisdiction' to 'condemn' a property, and also do not have the necessary certifications that would qualify them to do so; c) The Respondent's website and business card included errors and misleading inaccuracies; d) the Respondent's stamp did not comply with ASTTBC's approved design; and e) there was no record of the Respondent having obtained the stamp through ASTTBC, as per the ASTTBC stamp and seal policy and procedures.

The PRB reviewed the complaint and preliminary investigation findings and as part of the ongoing investigation, required the Respondent to undergo a Practice Assessment Review (PAR) to assess their conduct and competency. The Respondent was also required to submit an application for an ASTTBC-approved stamp. The Respondent was further required to modify any communications media to display the appropriate ASTTBC certification information, including promotional material, business cards, inspection reports, website and signature either hard-copy or e-mail.

The Respondent was accordingly notified and shortly thereafter resigned their membership with ASTTBC.

PRACTICE REVIEW BOARD RECOMMENDATIONS:

The PRB required that the ASTTBC database be flagged and if the Respondent applies for reinstatement, this file shall be reopened and concluded to the satisfaction of the PRB, as a condition of reinstatement.

OUTCOME:

The ASTTBC register accessible to the public on the ASTTBC website was updated. Consumer Protection BC, as the licensing authority for Certified House Inspectors, was notified and the Complainant was advised accordingly.

No further action was required and the file was closed.