

## HOUSE AND PROPERTY INSPECTION CASE SUMMARIES 2014

### CASE #13-27

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

The Respondent, a Certified Property Inspector (CPI), did not alert the Complainant to visible deficiencies at a property, during a house inspection.

#### **INVESTIGATION:**

If the allegation were found to be true, the actions of the Respondent would be contrary to the ASTTBC-PI Standards of Inspection.

The complaint was made approximately 18 months after the inspection. The ASTTBC Practice Review Board (PRB) noted that numerous factors might impact on the condition of a house or property following an inspection. At the time of the inspection, any concerns that the Respondent had regarding the condition of the roof were included in the inspection report that was provided to the Complainant, in accordance with the Property Inspector Standards of Inspection guidelines. Further, the photographs taken by the Respondent reflected the repaired area, but there was nothing from either party to illustrate the condition at the time of inspection, prior to the repair.

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

The PRB concluded that the evidence provided was inconclusive to substantiate a violation of the ASTTBC-PI Standards of Inspection on the part of the Respondent.

#### **OUTCOME:**

The PRB recommended no further action was required and the file was closed.

### CASE #13-42

The Respondent, a Certified House Inspector (CHI), did not alert the Complainant to visible signs of a retaining wall failure, necessitating major repairs, and denied any responsibility for the omission.

#### **INVESTIGATION:**

If the allegation were found to be true, the actions of the Respondent would be contrary to the ASTTBC Code of Ethics, Principle 1.

The PRB investigation determined that retaining walls were located on three sides of the property, and the damaged section of the wall could be seen from a position below the west end of the retaining wall which separated the upper garden from the lower section, and that a plastic mesh fence had been erected in front of the damaged section of the subject wall. No reference to the mesh fence or the retaining wall was contained in the inspection report. When questioned about the omission, the explanation provided was that the Respondent assumed that the mesh fence related to a 'jog' in the property line.

The PRB concluded that the Respondent should have carried out sufficient due diligence to at least draw attention to the mesh fencing and initiate further investigation regarding its purpose, instead of arriving at a conclusion regarding the property line. Had the Respondent done so, the Complainant might have been alerted to the presence of the damaged retaining wall.

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

The PRB recommended that there was evidence to substantiate a potential violation of the ASTTBC-PI Standards of Inspection. The Respondent was required to review the Standards and submit a written statement, acceptable to the Registrar, indicating an understanding of the Standards, specifically as they

pertain to retaining walls. The PRB also recommended that the Property Inspection Certification Board (PICB) review the ASTTBC-PI Standards of Inspection and reporting requirements for property features not directly related to the dwelling, such as retaining walls.

**OUTCOME:**

The Respondent submitted the required statement to the Registrar, outlining an understanding of the ASTTBC-PI Standards of Inspection. The statement was not acceptable to the Registrar, who instructed the Compliance Officer, House & Property Inspection to have a discussion with the Respondent in order to address the Registrar's concerns. The Compliance Officer had a very constructive discussion with the Respondent, who was made aware of the importance of, and requirement for, clear reporting of property features in an inspection report. The Respondent also promised to comply with the ASTTBC-PI Standards of Inspection in the future. The Compliance Officer was satisfied that the Respondent understood the importance of following the ASTTBC-PI Standards of Inspection and was committed to do so in future practice. The Registrar found the content and outcome of the discussion to be acceptable.

Since the Respondent had met the intent of the PRB recommendations, no further action was required and the file was closed.

The PICB was advised about the requirement for a review of the ASTTBC-PI Standards of Inspection.

**CASE #13-45**

The Respondent, a Certified House Inspector (CHI), did not alert the Complainant to numerous visible signs of deficiencies at a property during a house inspection.

**INVESTIGATION:**

If the allegation were found to be true, the actions of the Respondent would be contrary to the ASTTBC-PI Standards of Inspection.

The PRB investigation revealed evidence of damage caused by water in several locations of the house that would have been visible during the inspection. The house inspection report prepared by the Respondent failed to mention the deficiencies. The investigation also noted that the inspection report was unsatisfactory as there was little emphasis or comments describing the condition of system and component conditions. The PRB concluded that, by failing to record and report these conditions to the Complainants, the Respondent did not meet the ASTTBC-PI Standards of Inspection.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB recommended that the Respondent be required to complete one mentoring session at the Respondent's expense, with an ASTTBC-PI approved mentor/assessor, and a report by the mentor/assessor be submitted to the Registrar. Failure to successfully complete the mentoring session would result in the Respondent being requested to voluntarily resign registration as a Certified House Inspector (CHI), or proceed to a Disciplinary Hearing.

**OUTCOME:**

The Respondent initially accepted the PRB recommendations but later objected to the conditions. The Respondent then failed to pay the annual membership dues and was struck from ASTTBC's register of Certified House Inspectors. Consumer Protection BC (CPBC) was advised accordingly. When ASTTBC checked the CPBC registry of licensed inspectors the Respondent continued to be licensed because he is now a member of another association that certifies Home Inspectors.

Since the Respondent was no longer an ASTTBC Member in good standing, the database was flagged and should the Respondent apply for reinstatement, the file shall be reopened and concluded to the satisfaction

of the PRB prior to reinstatement. In addition, all conditions of certification and registration shall be applied as required for a new applicant.

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

**CASE #13-49**

**STATEMENT OF COMPLAINT:**

The Respondent, a Certified House Inspector (CHI), acted unprofessionally during a house inspection.

**INVESTIGATION:**

If the allegation were found to be true, the actions of the Respondent would be contrary to the ASTTBC Code of Ethics, Principle 7.

During the PRB investigation, the Respondent came to an agreement with the Complainant, whereby the Respondent offered to drop the claim regarding collections for an outstanding invoice, if the Complainant dropped the complaint with ASTTBC. The Complainant notified ASTTBC that the complaint was withdrawn. However, the PRB noted that, regardless of the complaint being withdrawn, a violation of Principle 7 of the Code of Ethics did take place. The PRB reviewed the complaint and recommended that the Respondent submit to the Registrar, an acceptable written statement that the Respondent understands the Code of Ethics and Practice Guidelines, especially Principle 7, and also provide assurance of abiding by the Code of Ethics and Practice Guidelines in the future. In addition, the Respondent was levied a fine of \$250.00, as a deterrent to future violations of the Code of Ethics.

Upon receipt of the PRB recommendations, the Respondent contacted the Registrar to appeal the decision. The Respondent provided additional information that was then presented to the PRB.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

Upon reviewing the appeal, the PRB recommended that, while there was no conclusive evidence to substantiate a violation of the Code of Ethics, the Respondent submit to the Registrar, an acceptable written statement demonstrating an understanding of the ASTTBC Code of Ethics and Practice Guidelines, especially Principle 7, and also provide assurance that the Respondent will abide by the Code of Ethics and Practice Guidelines in the future. Failure to provide the letter would result in the matter being referred back to the PRB.

**OUTCOME:**

The Respondent submitted the required statement to the Registrar, demonstrating an understanding of the Code of Ethics and Practice Guidelines, especially Principle 7. The Respondent also promised to abide by the Code of Ethics and Practice Guidelines in the future. The Registrar found the statement to be acceptable.

Since all recommendations were successfully completed, no further action was necessary and the file was closed.

**CASE #14-02**

That the Respondent, a Certified House Inspector (CHI), did not alert the Complainant to visible signs of structural failure, necessitating major repairs.

**INVESTIGATION:**

If the allegation were found to be true, the actions of the Respondent would be contrary to the ASTTBC-PI Standards of Inspection.

The Complainant alleged that a deflection in the floor surface at one of the walls in the house was a structural failure and the ceiling downstairs in the corresponding position had traces of a load-bearing wall having been removed. The PRB investigation determined that the wall that was removed downstairs was not a load-bearing wall, and that the actual load-bearing wall was still functioning as it was designed to do.

**PRACTICE REVIEW BOARD RECOMMENDATIONS:**

The PRB concluded that the evidence provided was inconclusive to substantiate a violation of the ASTTBC-PI Standards of Inspection on the part of the Respondent.

**OUTCOME:**

The PRB recommended no further action was required and the file was closed.