

Definitions

1 In this regulation:

"Act" means the *Business Practices and Consumer Protection Act*;

"licence" means a licence, as defined in section 1 of the Act, to engage in a designated activity referred to under section 2 of this regulation;

"home inspector" means a person who engages in the business or occupation of home inspection.

[am. B.C. Reg. 70/2016, s. 1.]

Designated activities

2 The business and the occupation of home inspector are designated for the purposes of the definition of "designated activity" in section 142 of the Act.

Qualifications for licence

3 (1) An applicant for a licence must meet the following qualifications:

(a) successfully complete an educational program that is approved under subsection (3) (a);

(b) pass any of the following examinations:

(i) the Applied Science Technologists and Technicians of British Columbia's House Inspection Competency Examination;

(ii) the Canadian Association of Home & Property Inspectors (BC)'s Canadian Home Inspection Examination;

(iii) the Canadian National Association of Certified Home Inspectors' Associate Level Examination;

(iv) the Examination Board of Professional Home Inspectors' National Home Inspector Examination (United States);

(c) accompany one or more licensees who are approved under subsection (3) (b) on home inspections for at least 50 hours;

(d) submit a peer recommendation letter that satisfies the director that the applicant has the knowledge and ability necessary to

(i) conduct home inspections, and

(ii) prepare home inspection reports

in a manner consistent with the standards prevailing among licensees.

- (2) A peer recommendation letter for the purposes of subsection (1) (d) must be
- (a) signed by a licensee who is approved under subsection (3) (c) and is not a licensee whom the person has accompanied for the purposes of subsection (1) (c), and
 - (b) based on
 - (i) a trial home inspection conducted under the supervision of the licensee who signed the letter, and
 - (ii) a home inspection report on that trial home inspection.
- (3) The director may approve the following:
- (a) a home inspection educational program for the purposes of subsection (1) (a), if the educational program includes at least 150 hours of instruction on the subject areas referred to in subsection (4) that
 - (i) covers all of those subject areas, and
 - (ii) is preparation for an examination referred to in subsection (1) (b);
 - (b) a licensee for the purposes of subsection (1) (c), if the licensee has conducted at least 250 home inspections;
 - (c) a licensee for the purposes of subsection (1) (d), if the licensee has conducted at least 1 000 home inspections.
- (4) The subject areas for the purposes of subsection (3) (a) are the following:
- (a) roofing;
 - (b) flashings;
 - (c) chimneys;
 - (d) the exterior system;
 - (e) the structural system;
 - (f) the electrical system;
 - (g) the heating and cooling systems;
 - (h) the insulation and ventilation systems;
 - (i) the plumbing system;
 - (j) the interior system.

[en. B.C. Reg. 70/2016, s. 2.]

Repealed

4 Repealed. [B.C. Reg. 70/2016, s. 3.]

Term of licence

5 The director may issue a licence for a term not exceeding 3 years.

Display or production of licence

6 (1) In this section, "representation" means a representation as defined in section 4 (1) of the Act.

(2) A licensee must

(a) display the licence in a conspicuous location in the place of business,
or

(b) produce the licence on request.

(3) A licensee must include the licence number on all representations and visual advertisements.

Reporting changes to director

7 (1) A licensee must submit the following information to the director within 14 days of the occurrence of:

(a) a change in the name of the licensee;

(b) a change in the location from which the licensee conducts business.

(2) A licensee whose licence includes the condition referred to in section 7.1 (b) must immediately report to the director if the licensee's errors and omissions insurance or comprehensive general liability insurance has been cancelled or has lapsed.

[am. B.C. Reg. 70/2016, s. 4.]

Conditions on licence

7.1 The director may impose, as a condition on a licence, one or more of the following:

(a) that the licensee take periodic instruction or training, as specified by the director, in a program related to home inspection that is approved by the director;

(b) that the licensee obtain and maintain errors and omissions insurance and comprehensive general liability insurance, in amounts approved by the director.

[en. B.C. Reg. 70/2016, s. 5.]

Records

8 (1) A licensee must have a business location where records are kept.

(2) The licensee must keep the following records at the business location referred to in subsection (1):

- (a) a copy of each home inspection contract entered into, and each home inspection report issued, by the licensee during the previous 2 years;
- (b) documentation of the licensee's errors and omissions insurance and comprehensive general liability insurance for the term of the licence of the licensee, if the licence includes the condition referred to in section 7.1 (b).

[en. B.C. Reg. 70/2016, s. 6.]

Prohibitions

- 9** (1) A licensee must not carry on business in a name other than the name on the licence.
- (2) A licensee must not disclose contents of a home inspection report, except
 - (a) with the permission of the consumer,
 - (b) as required by law, or
 - (c) if, in the opinion of the licensee, there is a serious health or safety risk.
- (3) A licensee must not have a conflict of interest in relation to a home inspection that results in a material gain to the licensee.

Repealed

10 Repealed. [B.C. Reg. 12/2009, s. 11.]

Repeal

11 Sections 4 (1) (b) and 10 are repealed on March 30, 2011.

Home inspection contract requirements

- 12** (1) In addition to any information required under sections 19, 20 and 23 of the Act to be contained in a home inspection contract, a home inspection contract must
 - (a) contain the address of the property to be inspected,
 - (b) specify what will be covered by the home inspection,
 - (c) state whether or not the licensee will inspect for mould,
 - (d) state whether or not the licensee will inspect for asbestos,
 - (e) state that the home inspection will be non-invasive or specify the invasive procedures that will be used, and
 - (f) contain the following statement:

Home inspectors operating in British Columbia are required to be licensed under the *Business Practices and Consumer Protection Act* and are regulated under that Act. The services of a home inspector are not provided on behalf of, or in affiliation with, the Province of British Columbia or the Business Practices and Consumer Protection Authority (commonly known and doing business as Consumer Protection BC). For more information on the regulation of home inspectors, what a home inspection should involve, how to select a home inspector and about your rights as a consumer, please contact Consumer Protection BC.

- (2) A licensee must not, in a home inspection contract,
- (a) exclude from the home inspection a garage or carport, whether or not the garage or carport is attached to a dwelling,
 - (b) purport to limit the liability, or the amount of the liability, of the licensee, or
 - (c) purport to limit the time for making a claim against the licensee.

[en. B.C. Reg. 70/2016, s. 7.]

Home inspection report requirements

13 (1) A licensee must ensure that a home inspection report meets the following requirements:

- (a) the report is in writing;
- (b) the report sets out an opinion on the condition of each of the things that the home inspection contract requires the licensee to inspect;
- (c) the report identifies any of the things referred to in paragraph (b) on which the licensee recommends that the consumer obtain expert advice;
- (d) the report specifies what is not covered by the home inspection;
- (e) the report includes the following:
 - (i) the consumer's name and address;
 - (ii) the licensee's name and, if different, the name under which the licensee carries on business;
 - (iii) the licensee's business address and, if different, the licensee's mailing address;

- (iv) the licensee's licence number, telephone number and, if applicable, fax number and email address;
- (v) the address of the property inspected;
- (vi) the date of the home inspection.

(2) A licensee must provide a copy of the home inspection report to the consumer on or before the date specified in the home inspection contract.

[en. B.C. Reg. 70/2016, s. 7.]

[Provisions relevant to the enactment of this regulation: *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2, sections 194, 199 and 201]