



Canadian  
Association  
of Home &  
Property  
Inspectors (BC)

December 12<sup>th</sup>, 2007

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Ministry of Public Safety and Solicitor General  
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**By Facsimile:** (250) 387-2631 **and E-mail:** Susan.Walker@gov.bc.ca

Dear Ms. Walker:

**Re: Regulatory Framework for House Inspectors**

As we advised you earlier this year, the Solicitor's General's behaviour on the home inspection file rendered impossible our ability to participate in what you have advised us is a consultation exercise. While we will leave it to others to argue that media coverage last fall of the threat he made to the Canadian Association of Home and property Inspectors of British Columbia – CAHPI(BC) – made it difficult for him to offer any objectivity to the need to bring standards to the industry in BC, our subsequent experience with him, including correspondence we received from him in August, confirmed to us that his motivations on this file had little to do with consumer protection, and everything to do with continued efforts to exact some form of retribution on our organization simply because we would not accept bullying as appropriate behaviour in an elected official.

As you may also be aware, so alive were we to the implications of this retribution – and the consideration that it might motivate behaviour by public servants to accommodate the Solicitor General at the expense of consumer protection and our BC and Canadian leadership in the industry – that we wrote to the Deputy Solicitor General (on February 21<sup>st</sup> through Toby Louie) and to the Premier, Mr. Les, and Mr. Louie on July 18<sup>th</sup>

advising of our concern that administrative fairness had ceased to be a principle in the management of the issue by the Ministry.

Indeed, to us, the Solicitor General's August 3<sup>rd</sup> letter, in which he advised that he was disregarding the efforts of our organization and so many others to develop and put in place across Canada the National Certification Program, underscored the importance of our registering our concern that Ministry aggression towards CAHPI(BC) had trumped administrative fairness. That we received the Solicitor General's letter on the eve of your consultations made it quite clear that whatever topics might be *discussed* in the course of your exercise, the point we would be expected to raise, i.e., adopting the National Certification Program as the industry standard in BC, would not be *considered* as an outcome of the exercise.

And so we are clear: These national certification standards are excellent standards. Canada Mortgage and Housing Corporation points to the NCP as the most important designation a consumer should look for when hiring a home inspector. National relocation services are moving to require all clients use National Certificate Holders when undertaking home inspections. (Please see the attached *Toronto Star* article.)

The Alberta and Quebec governments are moving to introduce industry standards based on the National Certification Program. And this makes sense — the National Certification Program was purpose-built with the flexibility to recognize and accommodate local and regional housing characteristics and provincial building codes.

So with the Solicitor General having stated his preference in advance of the start of your process, you would understand why we were unable to participate: In knowing the Solicitor General's position, the act of participating would indicate an abandonment by CAHPI(BC) of the National Certification Program, and send a confusing message to other jurisdictions responding so favourable to the long-overdue protection for consumers. In fairness to you, we suppose that your consultation exercise could have been so compelling that the Solicitor General would reverse himself and actually embrace the National Certification Program. However, we thought this an unlikely turn of events.



I provide this perspective because while our participation in your exercise was precluded, we have been watching it closely, and receiving submissions and presentations that industry colleagues have been making. We, like others, do expect that the issue will eventually end up before the courts.

That said, I wanted to give you an opportunity to clarify for us comments that have been attributed to you in the course of your meetings and discussions.

Ms. Walker, please confirm to me, in writing, by no later than Friday, December 14<sup>th</sup> that you have not stated, suggested, or implied to any individuals or groups, either party to your consultations, or simply interested in them, the following:

1. That the BC government is not looking at the National Certification Program, and will not adopt these standards to protect consumers from unqualified and unaccountable house inspectors because CAHPI(BC) has been too pushy in its approach; and,
2. That because of government's perception of CAHPI(BC) as being pushy in its efforts to get the BC government to take action to protect consumers, the BC government will offer exemptions and exclusions to some groups from its licensing scheme, but will ensure that CAHPI(BC) members have to be licensed, and to some new standard.

While, like others it seems, our experience of the Solicitor General Ministry provokes great distrust, you would understand why I must raise this issue. With our files so rich in broken promises, flip-flops, and threats, it would appear reasonable that vindictiveness might also be added to the Ministry's repertoire.

It seems implausible that different rules for different home inspectors could possibly be considered if the goal is to bring uniform standards to the industry. And as for exclusions and exemptions, and thus, the question of who would actually pay for such a hodgepodge scheme, it

seems as though rural British Columbians would: CAHPI(BC) is by far the province's largest home inspection organization. With membership in 178 BC communities, we are, in many, many parts of BC the only trained, qualified and experienced inspectors available to consumers. A deliberate effort through licensing exclusions and exemptions that would make our organization shoulder the cost of this licensing scheme means either added expense for CAHPI(BC) members providing service to communities outside greater Vancouver, or greater cost to consumers outside greater Vancouver who use the services of a home inspector.

So while I regret having to ask you to confirm if those two comments are attributable in any way to you, in light of the threat the Solicitor General made to us last year, you would forgive me for wondering if he seems more intent on punishing trained and qualified CAHPI(BC) home inspectors, and the British Columbians who hire them, than he is in protecting consumers from unqualified individuals passing themselves off as house inspectors.

Thank you in advance for your written response by Friday. If you are unable to respond by Friday, we would appreciate the courtesy of a written notification from you to me, or in my absence, to Mr. Owen Dickie our Secretary, of when we will be in receipt of your response on these two points.

Sincerely



Bill Sutherland, RHI, Kamloops  
President, CAHPI(BC)

On behalf of:

Vice President:	Chris Stockdale, RHI, Richmond
Treasurer:	Craig Hostland, RHI, Kelowna
Secretary:	Owen Dickie, RHI, Lake Country
Director:	Don Ruggles, RHI, Victoria
Director:	Gary Poirier, RHI, Surrey
Director:	Stephen Andrews, RHI, Prince George
Director:	Dan Brown, RHI, Chilliwack

Attachment



# Solicitor-general has rather robust views on issue of home inspectors

VICTORIA

**S**olicitor-General John Les oversees a cabinet portfolio where protecting the public is paramount.

Crime prevention, corrections, hazard mitigation, road safety, liquor control, consumer protection ... it's all there.

Even the name makes the point: Ministry of Public Safety and Solicitor-General.

But Les is balking at protecting people on one of the most important moves they'll make in their lives.

Specifically, he sees no need to guard homebuyers against incompetent, negligent and bogus home inspections.

His views were on display Thursday afternoon at the legislature. The Opposition had gotten its hands on a letter to the premier complaining about Les's high-handedness in rejecting calls for regulation of home inspections.

But Les was unapologetic. "We want to be careful about regulation," he said. "The NDP seems to be of the mind, if it moves, regulate it."

He didn't deny that there were serious problems in the field of home inspections.

"There are some people in the home inspection industry who are not fully qualified — if at all — and they should not be recognized as home inspectors," the minister conceded.

People are spending hundreds of thousands of dollars on a home. They don't want to pay untold thousands to fix problems afterward. How can they be sure the home inspection is a good one?

"Informed choice" is the key, according to Les. "The public needs to not casually choose a home inspector. They need to look at what the credentials are."

What credentials? The province wasn't proposing to issue any.

People could consult one of



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VANCOUVER SUN

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"several associations" representing home inspectors.

But which one should people consult? Whose credentials are the most reliable?

"The interesting thing when it comes to these associations," he replied, "they can't agree among themselves what the standards of practice should be."

Which sounds like an argument for government to step in, sort out the conflicts, and insist on a single, industry-wide certification.

But that isn't how John Les sees it: "I am not yet convinced that the heavy hand of regulation is what is required to set matters right."

One could make a case against regulation. Provincial taxpayers might then be on the hook for lawsuits arising from faulty inspections. And maybe there should be an element of buyer beware in purchasing older homes.

But Les didn't make the case. Instead he fell back on the argument that "regulation does not guarantee successful results."

Neither is airline regulation an absolute guarantee that planes won't fall from the sky. But it surely improves the odds.

time to revisit the contents of the letter that surfaced in question period.

It was addressed to the premier and the leader of the Opposition. Sent by Bill Sutherland, president of the Canadian Association of Home and Property Inspectors of B.C., which has been fighting for years to persuade government to help establish standards for home inspections.

Sutherland recounted his dismay over two conversations — one on the phone, one in person — with Les.

"Nothing prepared me," wrote Sutherland, who proceeded to recount a number of vivid comments from the minister, some involving scatological references to the droppings of apes and chickens.

He also alleged the following: "Minister Les told me that ... the association was overreacting and that if we ever wrote to the premier again, he would drop the issue of consumer protection for B.C. homebuyers."

The mere fact of the letter is extraordinary. Industry associations lobby government all the time. They sometimes brief the Opposition as well.

But to write openly to the premier, denouncing one of his ministers, and simultaneously include the leader of the Opposition in the correspondence — well, Sutherland must have figured he had nothing left to lose.

Les's response was itself somewhat revealing. He denied the foul language, denied making any explicit threat: "No, of course not, that would be a silly thing to do."

On the other hand, he agreed that he'd spoken to Sutherland and "expressed my disappointment" that the association had gone to the premier with its concerns.

"I regularly tell people if they have issues with my office to come and see me. It is not always the best response to go running off to the premier's office."

Still, he insisted that he hadn't responded to Sutherland's decision to go over his head in any punitive fashion.

His ministry is still looking into the issue of regulating home inspectors, he told reporters. "Nothing has been dropped."

Whatever you say, minister. Though others might echo one of the passages in that letter, and say "bull droppings," or words to that effect.

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