



**CONSUMER
PROTECTION BC**



Inspection Guide

Home inspectors

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Introduction

Consumer Protection BC is responsible for the administration of the *Business Practices and Consumer Protection Act* (Act) and Home Inspector Licensing Regulation (Regulation). Together the Act and Regulation govern the conduct of persons who engage in the business or occupation of home inspection and the licensing requirements for home inspectors in British Columbia.

This guide has been prepared to better inform and educate you on the compliance inspection process. As one of our licensed businesses it is your responsibility to conduct yourself and to operate your business to comply with the laws and conditions on the licences. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information.

This guide provides a reference point, so you know what to expect and how to prepare for our compliance inspections.

This is a general overview of the compliance inspections process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or your sector in BC. We recommend that you get copies of the legislation and regulation and review them in detail. You can find them [online](#) or printed versions may be ordered from:

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For more general information, we can be reached at:

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Background: our responsibilities

The role of Consumer Protection BC

Our purpose is to license and inspect regulated businesses, respond to consumer inquiries, investigate alleged violations of consumer protection laws, classify all general release and adult films, and provide information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform compliance inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in compliance by the business, or some form of enforcement action being taken against the business, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

You are legally responsible for understanding the Act, Regulation, conditions on your licence and be in compliance with them all.

You are also responsible for making sure your employees follow the Act, Regulation, and conditions on the licence, even when you are not present at the business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions. A person that carries out such behaviours or activities is also subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province – sometimes arriving unannounced. The Act allows for an inspector to enter a business at any reasonable time to determine compliance with the Act, Regulation, conditions on a licence, or the suitability of a licensee or an applicant for a licence.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business.

The Act gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person
- Inspect, audit or examine any record, goods or other things or the provision of services in the premises
- Inspect a vehicle or vessel that is being used for business purposes

- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things
- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premise, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection

Once the inspection is complete, the inspector will review the results with you, or the manager on duty at the time of the inspection and discuss any non-compliance identified during the inspection. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you as indicated on your licensing file.

Post Inspection Report and follow up

After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will give you a Post Inspection Report. The report will identify the alleged violations that you must correct and/or the alleged violations that will be recommended for enforcement to the Director. For more information on the enforcement process, please see the section below.

We may conduct a follow up inspection to ensure that deficiencies noted have been corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement or a monetary administrative penalty, they will notify you of these alleged contraventions in a Post Inspection Report. The inspector will also prepare a Report to the Director (RD) document for the Manager of Inspections & Case Management. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to enforcement and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegations made in the RD. A decision maker will then decide whether the allegation took place, and whether statutory action such as an administrative penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or delegated decision maker.

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

What will be inspected

Remember that inspectors attend businesses to confirm compliance with the Act, Regulation, and conditions on a licence, however inspectors are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the Act or Regulation.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a licence for any issues that are identified
- Inspect the physical layout of the business
- Inspect legal, financial and other business records
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance
- Identify any contraventions
- Answer your questions and help you understand your obligations

To find out what an inspector will be reviewing, please read a sample inspection checklist (Appendix). Note: the items on the checklist are not an exhaustive list of the items an inspector may review at inspection.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention.

Appendix A - Inspection Checklist

The following are the types of types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 Licence #: _____ Date of inspection: _____				
Question	HOME INSPECTOR INSPECTION REPORT	Y	N	N/A
LICENSING AND OPERATIONAL REQUIREMENTS				
1	BPCPA 143 Was the home inspector properly licensed at the time of all home inspections conducted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	HILR 6(2)(a) Was the home inspectors' licence displayed at place of business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	HILR 6(2)(b) Was the licensee able to produce their license on request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	HILR 6(3) Did the licensee include their license number in all representations and visual advertisements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	HILR 7(1)(a) Has the licensee submitted any name changes to the director within 14 days of the change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	HILR 7(1)(b) Has the licensee reported any change(s) of address from where they were licensed to conduct business within 14 days of the change(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	HILR 7(2) Did the licensee immediately report all instances where their errors and omissions/liability insurance was cancelled or lapsed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	HILR 8(1) Was the licensee maintaining a business location where records are kept?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	HILR 8(2)(a) Did the licensee keep a copy of all home inspection contracts and home inspection reports issued by the licensee for the previous 2 years at the business location?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	HILR 8(2)(b) Was the licensee keeping documentation of their errors and omissions/liability insurance for the entire time they have been licensed at the business location?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PROHIBITIONS				
11	HILR 9(1) Was the licensee only conducting business in the name on their license?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	HILR 9(2)(a) Was the licensee only disclosing contents of home inspection reports with the permission of the consumer or, in compliance with HILR 9(2)(b) or HILR 9(2)(c)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	HILR 9(2)(b) Had the licensee been required to disclose the contents of a home inspection report by any lawful authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	HILR 9(2)(c) Had the licensee disclosed the contents of any home inspection report because in their opinion there were serious health and safety risk?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	HILR 9(3) Has the licensee received any material gain resulting from a conflict of interest?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME INSPECTION CONTRACTS				
16	BPCPA 19(a) Did all home inspection contracts list the supplier's name or DBA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	BPCPA 19(b) Did all home inspection contracts list the supplier's physical and mailing addresses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	BPCPA 19(c) Did all contracts list the telephone facsimile number of the supplier?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	BPCPA 19(d) Were all the home inspection contracts dated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	BPCPA 19(e) Did all the home inspection contracts include a detailed description of all of the goods and services to be supplied under the home inspection contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	BPCPA 19(f) If the home inspection contracts included items that could be added to the services provided, was an itemized purchase price for each item included in the contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	BPCPA 19(g) Were all costs payable including taxes disclosed in the home inspection contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	BPCPA 19(h) Did all the home inspection contracts include a detailed statement of the terms of payment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	BPCPA 19(j) Was the total price listed in all home inspection contracts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	BPCPA 19(n) Did all home inspection contracts list any other restrictions, limitations or other conditions related to the supply of goods or services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

26	HILR 12(1)(a) Did all home inspection contracts contain the address to be inspected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	HILR 12(1)(b) Did all home inspection contracts detail specifically what will be covered by the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	HILR 12(1)(c) Did all the home inspection contracts specifically state whether or not the licensee would inspect for mould?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	HILR 12(1)(d) Did all the home inspection contracts specifically state whether or not the licensee would inspect for asbestos?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	HILR 12(1)(e) Did all the home inspection contracts state that the home inspection would be non-invasive or, state any invasive procedures that would be used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	HILR 12(1)(F) Did all the home inspection contracts contain the complete disclosure about the BPCPA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	HILR 12(2)(a) Were all home inspection contracts compliant with the requirement to not exclude garages or carports from the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	HILR 12(2)(b) Were all home inspection contracts free from statements or references to the licensee's liability limitations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34	HILR 12(2)(c) Were all home inspection contracts free from statements or references to the time in which a consumer may make a claim against the licensee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME INSPECTION REPORTS				
35	HILR 13(1)(a) Were all home inspection reports in writing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36	HILR 13(1)(b) Did each home inspection report set out an opinion on each thing the home inspection contract required the licensee to inspect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37	HILR 13(1)(c) Where applicable, did each home inspection report identify items where the licensee recommended the consumer obtain advice of an expert?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38	HILR 13(1)(d) Did each home inspection report specifically list each item covered by the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39	HILR 13(1)(e)(i) Did each home inspection report list the consumers name and address?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

40	HILR 13(1)(e)(ii) Did each home inspection report list the licensee's name or DBA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41	HILR 13(1)(e)(iii) Did each home inspection report list the licensee's business address and if different, the mailing address.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
42	HILR 13(1)(e)(iv) Did each home inspection report list the license number and if applicable, the e-mail and fax number for the licensee?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
43	HILR 13(1)(e)(v) Did each home inspection report include the address of the property inspected?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
44	HILR 13(1)(e)(vi) Did each home inspection report include the date of the home inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.