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BUILDING OFFICIALS' ASSOCIATION OF BRITISH COLUMBIA

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BUILDING OFFICIALS' ASSOCIATION OF BRITISH COLUMBIA

BYLAWS

PART 1 – INTERPRETATION

1. Definitions

(1) (*renumbered 25/05/2015*) In these bylaws, unless the context otherwise requires:

- "Act" means the Building Officials' Association Act.
- "Association" means the Building Officials' Association of British Columbia.
- "BCQ" means Building Code Qualified, a title issued by the Building Officials' Association of B.C. (*amended 27/04/2004*)
- "Building Inspector" means a person who is responsible for the enforcement of building regulations.
- "Building Official" means a Person who is responsible for the administration and enforcement of Building Regulations and includes, but is not limited to, a Building Inspector, Plumbing Official and Plan Reviewer. (*amended 25/05/2015*)
- "Building Regulations" has the same meaning as the definition of "building regulation" in the Building Act, as amended from time to time. (*amended 25/05/2015*)
- "Bylaws" means the bylaws duly adopted by the Members of the Association. (*amended 25/05/2015*)
- "Director" means a Member elected or holding office in accordance with section 13 of the Bylaws. (*amended 25/05/2015*)
- "Executive Committee" means the Executive Committee of the Association constituted under section 7 of the Act.

- "Local Authority" has the same meaning as in the Building Act, that is, any of the following located within the Province of British Columbia:
 - (a) a municipality
 - (b) a regional district
 - (c) the Nisga'a Lisims government
 - (d) a treaty first nation
 - (e) the board of governors of the University of British Columbia
 - (f) any other authority prescribed by regulation of the Lieutenant Governor in Council. *(amended 25/05/2015)*
- "Member" means a person who is admitted as a member of the Association in accordance with these bylaws.
- "Municipality" means a city, town, village or district incorporated under provincial laws.
- "Officer" means the President, the Vice Presidents, the Secretary or the Treasurer of the Association.
- "Person" when referring in these Bylaws only to a Building Official, Member, BCQ, RBO or the Registrar, means an individual human being and does not include a corporation, partnership, party or other entity. *(amended 25/05/2015)*
- "Plan Reviewer" means a person who has the responsibility for reviewing building plans to determine compliance with building regulations.
- "Plumbing Official" means a person who is responsible for the administration and enforcement of Building Regulations related to plumbing systems, and includes a plumbing inspector. *(amended 25/05/2015)*
- "RBO" means a Registered Building Official.

- “Register” means the record of Persons admitted to membership in the Association in accordance with the Bylaws and does not include any other register that the Association maintains for other purposes.
(amended 25/05/2015)
- “Registrar” means the Person appointed by the Executive Committee for the purposes of section 5 of the Act and section 17 of the Bylaws.
(amended 25/05/2015)

(2) Reference should be made to the Act and the Interpretation Act for the definition of other relevant words and phrases. *(renumbered 25/05/2015)*

(3) If there is a conflict between the definitions in the Bylaws and the definitions in the Act or the Building Act, the definitions in the Bylaws apply. *(amended 25/05/2015)*

PART 2 – MEMBERSHIP

2. Categories of Membership *(deleted and replaced 25/05/2015)*

(a) Regular Member

A Person who is employed or contracted as a Building Official by a Local Authority in the Province of British Columbia or the Yukon Territory and, as such, is actively involved in the development or administration of Building Regulations, is eligible for and may be registered as a Regular Member of the Association upon providing evidence of eligibility satisfactory to the Registrar.

(b) Retired Member

A Member who was in good standing for a period of not less than two years continuous membership in the Association and is not eligible for membership under another category of membership under this Bylaw, is eligible for and may be registered as a Retired Member of the Association upon providing evidence of eligibility satisfactory to the Registrar.

(c) Associate One Member

A person employed by the Province of British Columbia or the Yukon territory or a Local Authority in British Columbia or the Yukon, who is actively involved in the development or administration of building regulations but not eligible for membership under subsection 2(a) and who provides satisfactory evidence of eligibility to the Registrar, may be entered on the Register as an Associate One Member if the Registrar considers that Person will contribute to the betterment of the Association in matters relating to Building Regulations.

(d) Associate Two Member

A person who is an employee, officer or member of a company, professional organization, trade association or other entity that is allied to the building industry and who provides evidence of eligibility satisfactory to the Registrar, may be entered on the Register as an

Associate Two Member.

(e) **Associate Three Member**

A person who is employed in a federal, provincial, territorial, first nations or Local Authority service within Canada and is actively involved in the development or administration of building regulations but is not eligible for membership under Categories (a), (c) or (d), who provides satisfactory evidence of their eligibility to the Registrar, may be entered on the Register as an Associate Three Member if the Registrar considers that Person will contribute to the betterment of the Association in matters relating to Building Regulations.

(f) **Honorary Member**

A person who has performed, or is performing, some distinguished service for or related to the work of the Association, may be elected as an Honorary Member of the Association for a period of one (1) year by a 2/3 vote of the members of the Association present at the annual general meeting, and thereafter may be re-elected from year to year.

(g) **Life Member**

A Member or past Member who has performed some outstanding and extraordinary service contributing to the welfare and standing of the Association may be proposed as a Life Member of the Association by a two-third (2/3) vote of the Executive Committee and elected by a 2/3 vote of the members present at the Annual General Meeting.

(h) **Student Member**

A person who is actively enrolled and participating in a course of study related to Building Regulations at a post-secondary educational facility, but is not eligible for membership under Categories (a), (c), or (d), may be entered on the Register as a Student Member, subject to providing evidence of eligibility satisfactory to the Registrar.

3. Rights and Privileges

(1) Only Regular Members and Associate One Members may vote at the annual general and special meetings of the Association and hold elected office on the Executive Committee.

(2) Retired Members, Associate Two Members, Associate Three Members and Life Members shall enjoy all of the rights and privileges of Regular Members except that of voting, certification and holding elected office on the Executive Committee. (*amended 25/04/2006*)

(3) Student Members may attend all zone, educational, annual general and special meetings of the Association but may not vote, obtain certification or hold office.

4. Standing

Membership in good standing in the Association shall be maintained by complying with these bylaws, including the qualifications and conditions set out in this Part, the Code of Ethics and the Rules of Professional Conduct.

5. Applications

(1) Applicants for membership in the Association shall complete and submit an application form and shall pay the dues applicable to the category of membership for which the applicant is eligible as determined by the Registrar.

(2) The determination of the Registrar under this section may be appealed to the Executive Committee whose decision is final and binding.

6. Annual Dues

(1) The annual dues shall be as follows: (*amended 31/03/11*)

(a) Regular Member and Associate One

Three hundred twenty-five dollars (\$325.00) for membership starting April 2011;

Four hundred dollars (\$400.00) for membership starting April 2012.

(b) Retired Members and Students

Thirty-five (\$35.00) dollars for each year of membership.

(c) Associate Two and Associate Three Members

Two hundred and fifty dollars (\$250.00) for membership starting April 2011;

Three hundred twenty-five dollars (\$325.00) for membership starting April 2012;

Four hundred dollars (\$400.00) for membership starting April 2013.

(2) Honorary and Life Members pay no dues.

(3) The annual dues shall be payable upon the first day of April for the ensuing fiscal year.

(4) A member ceases to be in good standing and membership in the Association shall lapse when dues are six (6) months in arrears.

(5) An applicant for reinstatement of a membership that has lapsed for non-payment of dues may be reinstated provided that dues in arrears up to a maximum of two years of dues have first been paid to the Association. Where the dues are in arrears for a period of more than two years, the most recent consecutive two years shall be used in calculating the dues payable.

(6) The annual dues prescribed in subsection (1) of this section shall remain the same for all categories of membership in section 2 of these Bylaws for the fiscal year 2015 – 2016, and shall increase by 2.5% over the previous year's dues in all categories in each of the four subsequent fiscal years, namely 2016 – 2017, 2017 – 2018, 2018 – 2019, and 2019 – 2020. *(amended 25/05/2015)*

PART 3 – MEETINGS

7. Meetings of Members

(1) The Annual General Meeting shall be held within ninety (90) days after the end of the Association's fiscal year. Twenty-five (25) Regular Members of the Association shall constitute a quorum at the Annual General Meeting or a special meeting.

(2) Notice of the Annual General Meeting and any special meeting shall be given to each Member in writing by mail, or by priority marked email to Members who have provided the Registrar with their email address, and the notice shall be posted on the Associations' website, not less than thirty (30) days prior to the meeting.
(amended 26/11/11)

(3) The order of business at the Annual General Meeting shall be:

- Roll call of directors and officers,
- Approval of Minutes of previous meeting,
- Business arising from the minutes,
- Reports,
- Unfinished business,
- New business,
- Election of directors and officers,
- Adjournment.

(4) All questions arising at a meeting shall be decided by a simple majority, unless otherwise provided for in these bylaws, the Act or Regulations under the Act. All Regular and Associate One Members present at the meeting, who are in good standing, shall each be entitled to one vote.

(5) If these bylaws are silent on any matter of procedure, the current edition of Robert's Rules of Order shall apply.

8. Executive Committee and Other Committees Meeting Procedure

(1) The Executive Committee shall meet at least two (2) times in the twelve (12) months' term of the Executive Committee following the Annual General Meeting and in addition shall meet immediately prior to the Annual General Meeting. *(amended 26/11/11)*

(2) At the option of the Executive Committee, a meeting of the Executive Committee or of a subcommittee of the Executive Committee may be held by means of such telephonic, electronic or other communications facilities as permit all persons participating in the meeting to communicate adequately with each other during the meeting. *(amended 26/11/11)*

(3) A person participating in a meeting by any means referred to in subsection (2) is deemed to be present at the meeting. *(amended 26/11/11)*

(4) Once a meeting is commenced under subsection (2) and the role call is taken, a quorum is always presumed to be present. *(amended 26/11/11)*

(5) Procedural Rules, additional to the rules in this section, for the conduct of meetings by the means described in subsection (2) shall be established by the Executive Committee and posted on the Associations' website, including rules for authentication of Executive Committee members attending and verification of voting procedures during those meetings. *(amended 26/11/11)*

(6) The President shall chair all meetings of the Executive Committee, but if the President is not present within 30 minutes after the time appointed for holding the meeting, a Vice President shall chair. *(amended 26/11/11)*

(7) A simple majority of the members of the Executive Committee must be present at a meeting of the Executive Committee to constitute a quorum. *(amended 26/11/11)*

(8)

(a) Questions arising at an Executive Committee or other committee meeting must be decided by a majority of votes. *(amended 26/11/11)*

(b) In the case of a tie vote, the chair does not have a second or casting vote. *(amended 26/11/11)*

(9) A motion proposed at an Executive Committee or other committee meeting shall be seconded, and the chair of a meeting may move or propose a motion. *(amended 26/11/11)*

(10) Robert's Rules of Order shall govern all matters not covered in these bylaws. *(amended 26/11/11)*

PART 4 - EXECUTIVE COMMITTEE AND OTHER COMMITTEES

9. Governing Body

The Executive Committee shall be the governing body of the Association and, except when the Association is in session at the Annual General meeting or a Special Meeting, shall conduct the business of the Association in accordance with the Act and the Bylaws, including but not limited to, making agreements on behalf of the Association with parties that include, but are not limited to, the government, regarding matters that promote the objects of the Association. *(amended 25/05/2015)*

10. Composition

The Executive Committee shall have the composition provided for in Section 7 of the Act, namely:

- (1) a president elected by the Members at the annual general meeting;
- (2) five (5) Vice Presidents elected by the Members at the annual general meeting, namely
 - (a) four (4) Vice presidents, and
 - (b) one (1) Vice President to represent Plumbing Officials on the Executive Committee, being a Plumbing Official who is a Regular Member required to make decisions on Building Regulations related to plumbing systems as part of his/her regular employment duties.

Until the Annual General meeting of the Association held in 2016, the most recent president of the Plumbing Officials' Association of British Columbia available and willing to serve shall be the Vice President representing Plumbing Officials until a successor is duly elected at the 2016 Annual General Meeting. *(repealed and replaced 25/05/2015)*

(3) seven (7) to fourteen (14) Directors elected by the Members at the annual general meeting to represent regions of British Columbia established under section 13 of these bylaws;

(4) a Secretary appointed under section 15 of these bylaws and Section 7 (3) of the Act;

(5) a Treasurer appointed under section 15 of these bylaws and Section 7 (3) of the Act;

(6) the most recent Past President who is available and willing to serve; and

(7) persons appointed by the minister under section 7 (4) of the Act.

11. Term of Office (*amended 28/04/2001 and renumbered 25/05/2015*)

(1) The Executive Committee, except the Secretary, the Treasurer and the Minister's appointees, shall be elected at the Annual General Meeting and shall hold office for two years or until their successors are elected.

(2) The President and three Vice Presidents, including the Vice President who represents Plumbing Officials, shall be elected at the Annual General Meeting that occurs in the even numbered calendar years and two Vice Presidents shall be elected at the Annual General Meeting that occurs in the odd numbered calendar years. (*deleted and replaced 25/05/2015*)

(3) Directors shall be elected at the Annual General Meeting in the following numbers and Calendar years to represent the Regional Zones of the Province: (*amended 25/05/2015*)

- Lower Mainland 1 odd numbered years
- Lower Mainland 2 even numbered years
- Vancouver Island North 1 odd numbered years
- Vancouver Island South 1 even numbered years
- South Central Interior 1 even numbered years

- Central and Northern Interior 1 even numbered years
- Kootenay 1 odd numbered years
- North West 1 odd numbered years

(4) If a member of the Executive Committee becomes ineligible to be elected to office in the Association, s/he may continue in office for the remainder of the term, subject to Section 14.

12. Remuneration

No remuneration shall be provided to the members of the Executive Committee.

13. Regional Zones

Directors shall be elected in the following numbers respectively to represent the following Regional Zones of the Province:

- Lower Mainland 3
- Vancouver Island North 1
- Vancouver Island South 1
- South Central Interior (Okanagan) 1
- Central & Northern Interior (Cariboo) 1
- Kootenay 1
- North West 1

14. Removal from Office

(1) An Officer or Director, except the Secretary or Treasurer, may be removed from office by a majority vote of the voting Members in attendance at an Annual General Meeting or a Special Meeting called for this purpose.

(2) Thirty days notice of a resolution under subsection (1) to remove an Officer or Director shall be given to each Member before the Annual General Meeting or Special Meeting at which the resolution will be voted on.

15. Secretary /Treasurer

- (1) A Secretary and a Treasurer to hold office for the current fiscal year shall be appointed by the Executive Committee at its first meeting after the annual general meeting.
- (2) The offices of the Secretary and Treasurer may be held by the same person.
- (3) The Secretary and Treasurer shall be voting members of the Executive Committee.
- (4) The Executive Committee may appoint persons who are not Members to the offices of Secretary and Treasurer.

16. Vacant Office

In the event that a member of the Executive Committee, except the Secretary, Treasurer or the Minister's appointees, vacates office, the Executive Committee may appoint a Regular or Associate 1 Member to complete the unexpired term of office.

17. Duties of Officers and Directors

The duties of the Members of the Executive Committee are as follows:

- (1) The President shall:
 - (a) preside at meetings of the Association and at meetings of the Executive Committee,
 - (b) sign all written contracts and obligations of the Association, except as otherwise provided in these bylaws or in the Act,
 - (c) have general supervision of the affairs of the Association,
 - (d) be ex-officio a member of all Committees except the Complaint and Discipline Committees, and
 - (e) appoint Members to sit on committees and any other

committees necessary to represent the Association.

(2) In the absence of the President, the President's duties shall be assumed by a Vice President designated by the Executive Committee.

(3) Each Vice President, as recommended by the President and approved by the Executive Committee, shall chair one of the following committees, except for the Vice President representing Plumbing Officials who shall chair the Plumbing Committee; and each Vice President, as Chair, shall select Members to serve on his/her respective committee:

- Certification Committee
- Education Committee
- Examination Committee
- Membership Committee

(deleted and replaced 25/05/2015)

(4) The Treasurer shall:

(a) manage all contracts, securities and finances belonging to the Association,

(b) receive all fees, dues and other revenue payable to the Association and keep the funds of the Association deposited in a Chartered Bank or other Financial Institution regulated by the Province of British Columbia and approved by the Executive Committee,

(c) pay all accounts owing by the Association, sign all cheques issued for the payment of an account or for the withdrawal of funds from the Bank. In addition all cheques or withdrawal of funds shall be signed by any (1) of two officers authorized by the Executive Committee. *(amended 24/04/2007)*

(d) report periodically to the Executive Committee, as required by it, on the receipt and disbursement of the Association funds and prepare an Annual Report on the financial matters of the

Association for the Annual General Meeting, and

(e) report to the Registrar on the standing of all Members regarding payment of fees.

(5) The Secretary shall:

(a) conduct the correspondence of the Association and report thereon to the Executive Committee,

(b) give due notice of all meetings of the Executive Committee and of the Association,

(c) keep Minutes of the proceedings of the Annual General and Special Meetings and those of the Executive Committee, and

(d) assume other duties as required by the Executive Committee.

(6) Directors:

(a) Each Director shall be responsible for calling and conducting meetings of the members of the Directors' Zone for the purpose of carrying out the objects of the Association.

(b) Members in proceedings at Zone meetings shall have no authority to commit the Association at large.

(7) Past President:

The Past President shall carry out those duties and chair Committees, as determined by the Executive Committee.

(8) Registrar:

The Executive Committee shall either appoint a person to the position of Registrar or add the duties of Registrar to the duties of any Officer or of any official employed by the Association. The Registrar shall carry out the duties imposed on the Registrar by the Act and any other duties assigned by the Executive Committee.

18. Other Committees

(1) In addition to the Complaints Committee and Discipline Committee established under Part 9, there shall be a Nominating Committee, a Publicity Committee and a Plumbing Committee and special committees, as determined by the BOABC Policy and Procedure Manual. *(amended 25/05/2015)*

(2) The Nominating Committee shall present to the Annual General Meeting a full slate of candidates for Officers and Directors for the ensuing term. Candidates may also be nominated from the floor. The Nominating Committee in their report, and nominators from the floor when nominating a candidate for election, shall determine and declare that the candidates they nominate are eligible for the offices for which they are respectively nominated. *(amended 25/05/2015)*

(3) The Publicity Committee shall do all in its power to bring the work of the Association to the attention of the building industry, government and the public.

(4) Special committees may be set up by the President or by the Executive Committee.

(5) Each committee shall present a report of its work to the Executive Committee, as directed by the Executive Committee.

PART 5 - BORROWING POWERS

19. The Association shall have no borrowing powers.

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PART 6 – FINANCIAL

20. Financial Review

Before presentation of the annual report, the Treasurer's financial records shall have a "Review Engagement Report" prepared by a qualified accountant appointed by the Executive Committee.

21. Audit

When approved by the membership at an Annual General Meeting, an audit will be conducted by a qualified accountant appointed by the Executive Committee.

22. Fiscal Year

The fiscal year of the Association shall commence on the first day of April and end on the 31st day of March of the following year.

23. Inspections

The books and accounts of the Association shall be open for inspection by members of the Association during normal office hours of the place where the books are kept, with 48 hours prior written request.

PART 7 - SEAL (repealed 25/04/2006)

24. Use and Custody of Seal (*repealed 25/04/2006*)

PART 8 - AMENDMENT OF BYLAWS

25. A bylaw, amendment to a bylaw or repeal of a bylaw, does not take effect until it is approved at the Annual General Meeting or a special general meeting by 75% of the eligible members who are present at the meeting and vote.

26. Notice of a proposed bylaw, amendment or repeal of a bylaw, must be given to all Members not less than 30 days prior to the meeting at which it is proposed to be considered by the Members.

27. The Executive Committee shall report on a proposed bylaw, amendment or repeal presented at the meeting.

PART 9 - PROFESSIONAL MATTERS

28. 1 Registered Building Official (*amended 27/04/2004*)

(a) A Regular Member who is in good standing and has successfully obtained the Level 3 Certification, is eligible to apply to the Executive Committee for permission to use the designation of Registered Building Official (RBO).

(b) Upon submission of evidence of eligibility, satisfactory to the Executive Committee, the applicant shall execute a Title Use Agreement with the Association and may then be identified in the Member's register as a Registered Building Official and may use the designation of Registered Building Official or the initials RBO.

(c) A Registered Building Official is required to maintain the Level 3 Certification by completing the update examinations within the period of time set by the Executive Committee, commencing after any date that the update exam is made available.

(d) A member who is a registered Building Official is required to participate in and comply with the requirements of any professional development or maintenance program adopted by the Executive Committee. If the Executive Committee determines that a member has failed to participate in a required development or maintenance program, the member will not be authorized to use the title previously held until any conditions set out by the Executive Committee have been met. (*amended 25/04/2006*)

28.2 Building Code Qualified (*amended 27/04/2004*)

(a) A Regular, Retired, Associate 1, Associate 2, or Life member who is in good standing and has successfully passed the Level 1, Level 2 and Level 3 examinations, is eligible to apply to the Executive Committee for permission to use the designation of Building Code Qualified (BCQ).

(b) Upon submission of evidence of eligibility satisfactory to the Executive Committee, the applicant shall execute a Title Use Agreement with the Association, and may then be identified in the Member's registry as "Building Code Qualified" and may use the designation of Building Code Qualified or the initials BCQ.

(c) A member registered as "Building Code Qualified" is required to complete the update examinations within the period of time set by the Executive Committee, commencing after any date that the update exam is made available.

(d) A member registered as "Building Code Qualified" is required to participate in and comply with the requirements of any professional development or maintenance program adopted by the Executive Committee. If the Executive Committee determines that a member has failed to participate in a required development or maintenance program, the member will not be authorized to use the title previously held until any conditions set out by the Executive Committee have been met. (*amended 25/04/2006*)

29. Code of Ethics

(1) The purpose of the Code of Ethics is to give general statements of the principles of ethical conduct in order that Members may fulfill their duty to the public, the profession and the members of the Association.

(2) All Members shall act at all times with fairness, courtesy, loyalty and good faith to their associates, employers and the public. They shall uphold the values of truth, honesty and trustworthiness and shall strive to safeguard human life and welfare and the environment in the performance of their professional duties. In keeping with these basic principles, Members shall:

(a) hold paramount the safety, health and welfare of the public, protection of the environment and promotion of health and safety.

(b) uphold and advance the integrity, honor and dignity of the Association.

(c) strive to increase public awareness regarding the Association.

(d) endeavour to extend public knowledge and appreciation of the relevance and importance of building regulations.

(e) enhance the reputation of the Association by meeting high standards of public service.

(f) provide impartial, courteous, fair, efficient, and effective service to the public.

(g) keep themselves informed and up-to-date on current practices in order to maintain their level of competence, strive to advance the body of knowledge under which they practice, and provide and take opportunities for the professional development of themselves and their associates.

(h) conduct themselves in a manner, which promotes the dignity and integrity of the Association.

- (i) maintain devotion to high ideals of personal honour and professional integrity.

30. Professional Conduct

The Members of the Building Officials' Association of British Columbia (BOABC) accept the Rules in section 31 as a desirable method of achieving increased professional status for the Association. These Rules are based on principles that the Members accept as necessary for maintaining the high standard of behaviour to which the membership adheres.

These Rules will be applied under stated guidelines to ensure the protection of the rights of any Member of the Association whose conduct allegedly violates the said rules.

31. Rules of Professional Conduct

RULE 1: No Member of the Association shall engage in any unlawful activity in the performance of the Member's duties as a Building Official or in the Member's relationship with others as an employee, officer, business partner or business associate.

RULE 2: No Member shall be guilty of any serious and improper action in the performance of his or her duties that brings discredit and/or embarrassment to other members of the Association.

RULE 3: A Member must discharge all duties owed to the Member's employer, the Province, other members of the profession and the public, honestly, impartially, competently and without interference or undue delay.

RULE 4: No Member shall disclose to others or use to further his or her personal interest, confidential information acquired in the course of his or her official duties.

RULE 5: A Member should demonstrate personal integrity and assist in maintaining the integrity of the profession.

RULE 6: A Member should observe these Rules of Professional

Conduct in spirit as well as in letter.

32. Complaints Committee

(1) There shall be a standing Complaints Committee of the Association comprised of no fewer than three (3) Members of the Association appointed to the Committee by the President, plus one of the Minister's appointees to the Executive Committee, if there is one, when the Complaints Committee starts its inquiry.

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

(3) The President shall name one member of the Complaints Committee to be Chair.

33. Complaints

(1) A complaint that a Member has violated the Rules of Professional Conduct or Code of Ethics of the Building Officials' Association of B.C. (BOABC) shall be made to the Secretary in writing.

The complaint must contain a clear and concise statement, including pertinent dates, outlining the alleged breach of the Rules or Code and must be signed by the complainant. It is not necessary that the complainant be a Member of the Association.

(2) A complaint submitted in accordance with subsection (1) shall be disposed of by the Complaints Committee within 180 days after the complaint is filed with the Secretary.

(3) The identity of the complainant shall be kept confidential, unless the complainant waives confidentiality in writing.

34. Complaints Procedures

(1) The Complaints Committee shall consider and investigate complaints filed in accordance with section 33 but no action shall be taken by the Committee under this Section unless the following procedures have been taken:

(a) a Member who is the subject of a complaint or whose conduct or actions are being investigated must be sent notice of the particulars of the complaint, but not the identity of the complainant, and asked to respond or comment in writing to the Committee within the time limit set out in the notice, which shall be not less than thirty (30) days.

(b) the Committee must examine or make every reasonable effort to examine all records and other documents relating to the complaint, including the Member's response.

(2) The Complaints Committee shall determine if there are reasonable and probable grounds for a complaint and shall, at all times, bear in mind the spirit of the Rules of Professional Conduct and the rights of any Member who is alleged to have breached those Rules or the Code of Ethics.

(3) The Complaints Committee shall not inquire into or interfere with the business practices or policies of a local or provincial government, or a corporation, partnership or other association that relate to a complaint about a Member, unless the local or provincial government, corporation, partnership or association agrees to the inquiry or interference.

(4) The Committee, in accordance with the information it receives, may:

(a) recommend that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under paragraph (a);

or

(c) take such action as it considered appropriate under the circumstances, and that is not inconsistent with the BOABC Act and the bylaws, including the Informal dispute resolution procedure in subsection (5)(a).

(5)

(a) The Complaints Committee may decide that the alleged breach could be remedied through informal discussions with the Complainant and the Member. If so, the Complaints Committee shall appoint one of its members (the Mediator) to approach the Complainant and determine what the Complainant believes should be the outcome of the complaint procedure.

(b) With the Complainant's agreement and the approval of the Complaints Committee, the Mediator shall attempt to achieve this outcome through discussion and/or correspondence with the Member before resorting to formal disciplinary procedure. If the desired outcome is not achieved, the complaint may be brought forward again by any person.

(6) The Committee shall give its decision in writing to the Registrar and, where the decision is made under subsection (4)(c), shall include its reasons.

(7) The Secretary shall send to the Complainant and the Member by prepaid first class mail, a copy of the written decision of the Complaints Committee and its reasons, if any.

(8) The Committee is not required to hold a hearing or to afford to any person an opportunity to make oral submissions before making a decision or giving a direction under this section.

35. Discipline Committee

(1)

(a) There shall be a Discipline Committee, appointed by the President, and composed of at least three Members each with ten years experience as a Building Official, as long as three of those years have been served immediately prior to the appointment.

(b) Neither former members of the Complaints Committee who have dealt with complaints to be heard by the current Discipline

Committee, nor current members of the Complaints Committee, are eligible to be members of the Discipline Committee.

(2) All disciplinary decisions require the vote of the majority of the members of the Discipline Committee.

(3) Three members of the Discipline Committee constitute a quorum.

36. Duties and Powers of the Discipline Committee

(1) The Discipline Committee shall:

(a) when so directed by the Executive Committee, hear and determine allegations of professional misconduct or incompetence against a Member or former Member, and

(b) perform other duties assigned to it by the Executive Committee.

(2) A Member or former Member may be found guilty of professional misconduct by the Discipline Committee upon satisfactory evidence of breach by the Member or former Member of the Rules of Professional Conduct or the Code of Ethics.

(3) If the Discipline Committee makes a finding under section 14 (1) of the Act of professional misconduct in respect of a Member, it may take one or more of the actions authorized by section 14 (2) of the Act, namely:

(a) reprimand the Member,

(b) suspend the Member,

(c) impose limitations or conditions on the continuance of membership in the Association,

(d) revoke the certification of the Member as a Registered Building Official,

(e) expel the Member,

(f) if it expels the Member, impose limitations or conditions on the Member resuming his/her membership,

(g) impose a fine that the Member must pay to the Association,

(h) require that the Member pay to the Association, within a specified period of time, the costs of the inquiry, including costs incurred by a Complainant or witness.

(4) If the Discipline Committee makes a finding of professional misconduct in respect of a former Member, it may, by order, impose the penalties prescribed in section 14 (3) of the Act, namely:

(a) reprimand the former Member,

(b) impose limitations on the former Member resuming membership,

(c) impose a fine that the former Member must pay to the Association,

(d) require the former Member to pay to the Association, within specified period of time, the costs of the inquiry, including costs incurred by a Complainant or witness.

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending the certification and/or membership of a Member by name, to be published, with or without reasons, in the official publication of the Association.

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct was unfounded to be published in the official publication of the Association, but only upon the request of the Member against whom the allegation was made.

(7) If the Discipline Committee is of the opinion that the commencement of any proceeding was unwarranted, the Committee may order that the Association reimburse the Member for his or her costs or a portion set by the Discipline Committee.

(8) If the Discipline Committee revokes or suspends the Certification and/or membership of a Member, the order takes effect when the time for appeal from the order established by the Act has expired without an appeal being taken, or if taken, the appeal has been denied or abandoned.

37. Discipline Proceedings

(1) In a proceeding before the Discipline Committee, the Association and the Member whose conduct is being investigated in the proceeding, are parties to the proceeding.

(2) A Member whose conduct is being investigated in a proceeding before the Discipline Committee shall be afforded an opportunity to examine before the hearing, any written or documentary evidence that will be produced, or any report, which will be produced as evidence at the hearing.

(3) A Member has the right to attend and make submissions in person or through a representative at a Discipline Committee hearing into the Member's conduct.

(4) Members of the Discipline Committee:

(a) shall not have taken part before the hearing in any investigation of the subject matter of the hearing other than as a member of the Executive Committee, considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and

(b) shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or representative of any party, except upon notice to them, and giving an opportunity for all parties to participate, but the Committee may seek legal advice from an advisor independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions on the law.

(5) Hearings of the Discipline Committee shall be closed to the public but if the Member whose conduct is being investigated requests otherwise, by a notice delivered to the Secretary before the day set for the hearing, the Committee shall conduct the hearing in public, except where sensitive information about persons other than the Member outweighs the desirability of holding a hearing in public.

(6) The oral evidence taken before the Discipline Committee may be recorded and, if requested, copies of the transcript, if any, shall be given exclusively to the parties to the hearing upon the same terms as the B.C. Supreme Court (General Division).

(7) If the Discipline Committee makes a finding of professional misconduct against a Member, a copy of the decision shall be sent to the Complainant by first class mail.

(8) The Discipline Committee shall endeavor to provide every reasonable opportunity for the Member to appear in his/her defence at the hearing inquiring into allegations of his/her misconduct. Nevertheless, if the Member is unwilling to cooperate in the setting of a Hearing date or refuses to appear at or send a representative to the Hearing, the Discipline Committee may proceed with the Hearing in the absence of the Member.

(9) The notice of hearing and any subsequent notification relating to the complaint will be addressed to the Member at the Member's last address on file with the Association.

38. Powers of Inquiry

The Complaints Committee and the Discipline Committee have the power and authority granted to the Executive Committee and a designated Committee under section 13 of the Act when inquiring into the professional conduct and competence of a Member or former Member to determine if grounds exist for discipline under section 14 of the Act.

