



## 9.1 Complaint Management and Administrative Penalties Policy

### 1. Introduction

The Building Officials' Association of British Columbia (Association) manages and investigates complaints about unqualified building officials or other persons making compliance decisions about building regulations on behalf of local authorities. The Association also investigates complaints about local authorities that allow or require unqualified persons to make compliance decisions about building regulations on their behalf. The Registrar may issue administrative penalties based on results of these investigations.

### 2. Policy Objective

- 2.1 This policy establishes criteria and requirements governing the submission, review, and investigation of complaints and, where applicable, the imposition of administrative penalties under the *Building Act*.

### 3. Authority

- 3.1 This policy supports the Registrar in fulfilling responsibilities under section 23 of the *Building Act*.

### 4. Definitions

- 4.1 **"complainant"** means a person who submits a complaint about a building official, other person, or local authority.
- 4.2 **"local authority"** as defined in section 1 of the *Building Act* but does not include the City of Vancouver.
- 4.3 **"qualified building official"** as defined in section 1 of the *Building Act*.
- 4.4 **"Registrar"** as defined in section 1 of the *Building Act*.
- 4.5 **"respondent"** means a qualified building official, other person, or local authority about whom a complaint has been made.



## 5. Policy

- 5.1 Complaints submitted under this policy must be about whether:
  - 5.1.1 a **qualified building official** or other person is contravening or has contravened section 10(2) or 23(2) of the *Building Act*; or
  - 5.1.2 a **local authority** is contravening or has contravened section 10(3) of the *Building Act*.
- 5.2 Complaints must be submitted to the Association, in writing, supported by relevant evidence, signed and dated by the **complainant**.
  - 5.2.1 Verbal or anonymous complaints will be reviewed at the discretion of the **Registrar**.
- 5.3 The **Registrar** will review complaints submitted to the Association to ensure that they are within scope of 10(2), 10(3) or 23(2) of the *Building Act* and to determine what, if any, further investigation or other action is warranted.
- 5.4 Complaints will be investigated in a transparent, objective, impartial and fair manner in accordance with the *Building Act* and this policy.
  - 5.4.1 The **Registrar** may engage other parties to assist with the administration, review, or investigation of complaints.
- 5.5 The **Registrar** may, of their own initiative, commence an investigation to determine whether a **qualified building official** or **local authority** has contravened or is contravening section 10(2), 10(3), or 23(2) of the *Building Act* without a complaint being submitted by a **complainant**.
- 5.6 A complaint may be deemed abandoned and closed by the **Registrar** if a **complainant** fails to respond to communication from the **Registrar** or their designate within 21 days after the date that the communication has been sent to the **complainant**.
  - 5.6.1 Requests for extensions to respond will be considered by the **Registrar** on a case-by-case basis.
- 5.7 The review or investigation of a complaint may continue if a **respondent** fails to respond to communication from the **Registrar** or their designate within 21 days of that communication having been sent to the **respondent**.
  - 5.7.1 Requests for extensions to respond will be considered by the **Registrar** on a case-by-case basis.
- 5.8 Where the subject matter of a complaint is ongoing before a court, administrative tribunal, or other entity, the **Registrar** may defer the review of that complaint or, where an investigation has been commenced, suspend the investigation of that complaint until a final decision has been made by that court, administrative tribunal or other entity.
- 5.9 Where a court, administrative tribunal, or other entity has issued a final decision about a complaint that has also been submitted to the Association, the **Registrar** may consider that decision and any evidence that was not previously considered by the court, administrative



tribunal or other entity to determine whether a review of that complaint should be initiated or the investigation of the complaint should be continued.

- 5.10 The **Registrar** may suspend the investigation of a complaint where a review has been sought of the same complaint by a court, administrative tribunal, or other entity until such time as that court, administrative tribunal, or other entity has issued its final decision.
- 5.11 The **Registrar** may close a complaint, at any time, if they determine that a complaint:
  - 5.11.1 is outside the scope of 10(2), 10(3), or 23(2) of the *Building Act*; or
  - 5.11.2 is unsubstantiated to warrant investigation; or
  - 5.11.3 is frivolous, vexatious or constitutes an abuse of process; or
  - 5.11.4 would not constitute a violation of section 10(2) or 10(3) of the *Building Act* if the allegations are verified or substantiated.
- 5.12 The Association manages all records and information pertaining to complaints in accordance with the *Freedom of Information and Protection of Privacy Act*.
  - 5.12.1 Information submitted by **complainants** and **respondents** or collected from third parties may need to be shared with the other parties or other bodies to conduct a review or, if warranted, an investigation of a complaint in a transparent, objective, impartial and fair manner.
  - 5.12.2 Information submitted by the **complainant** and **respondents** or collected from third parties will not be shared with other parties or bodies without first obtaining consent from the party whose information must be shared.
    - 5.12.2.1 The **Registrar** may close a complaint where the **complainant** does not consent to sharing information with the **respondent** or other parties.
    - 5.12.2.2 The **Registrar** may continue a review or investigation of a complaint if the **respondent** does not agree to share information with the **complainant** or other parties.
- 5.13 It is understood that, at any point, in the complaint review or investigation process, the **complainant** and **respondent** may choose to engage in a dispute resolution process or otherwise resolve the complaint themselves.
  - 5.13.1 The **Registrar** may continue a review or investigation of a complaint even where the complaint is resolved by the **complainant** and **respondent** themselves.
- 5.14 The Association is committed to addressing complaints in a timely and efficient manner. Timelines will vary as complaints are investigated on a case-by-case basis in relation to the specific circumstances, complexities, and risk to public safety raised in the complaint.



## 6. Scope

6.1 This policy applies to employees, contractors, and volunteers of the Association.

## 7. Related Policies and Procedures

7.1 9.1.1 Complaint Management and Administrative Penalties Procedure

## 8. Version History

DATE	DESCRIPTION
June 14, 2022	New policy established.