



4.17. Complaint Management and Administrative Penalties Policy

1. Introduction

The Building Officials' Association of British Columbia (Association) manages and investigates complaints about persons who may be making compliance decisions about building regulations on behalf of local authorities without holding the building official qualifications required under the Building Act.

The Association also manages and investigates complaints about local authorities that may be allowing or requiring persons to make compliance decisions without holding the building official qualifications required by the Building Act.

The Registrar may issue administrative penalties to individuals or local authorities to address complaints received by the Association and substantiated through review or investigation.

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 person, individual, 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 *Registrar* as defined in section 1 of the Building Act.
- 4.4 *respondent* means a person, individual, 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 person contravening section 10(3) or 23(2) of the Building Act; or
 - 5.1.2 a *local authority* contravening section 10(2) 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 whether 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 person, individual 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 The identity of the *complainant* will only be released with their written consent.
 - 5.12.2 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.
- 5.13 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.
May 11, 2025	Policy amended to revise the process for sharing information with the parties, align with language in the <i>Building Act</i> , and revise formatting for defined terms.