Bylaws

Building Officials' Association of British Columbia

In Force Effective November 1, 2026

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Part 1 – Interpretation

1. Definitions

1.1. In these Bylaws:

1.1.1. "*Act*" means the *Building Officials' Association Act*, S.B.C. 1997, c. 16, and its regulations, as amended from time to time.

1.1.2. "*ADR*" means alternative dispute resolution, which is a voluntary process in which an independent mediator assists the *Parties* with developing a mutually acceptable resolution to a complaint about a *Member* or former *Member* that is submitted to the Association.

1.1.3. "*Annual General Meeting*" means a meeting of *Members* that is held pursuant to section 38.

1.1.4. "*Associate*", "*Honourary*", "*Life*", "*Regular*", "*Retired*", and "*Student*" each mean the category of membership or a *Member* in that category, as the case may be, as set out in section 14 and further in these *Bylaws*.

1.1.5. "*Association*" means the Building Officials' Association of British Columbia (B.C.).

1.1.6. "*Association Website*" means the public website of the *Association* with the address www.boabc.org.

1.1.7. "*Authority Having Jurisdiction*" means a jurisdiction that is responsible for administration and enforcement of *Building Regulations* within its jurisdictional boundaries in B.C. or the Yukon that is not a *Local Authority*.

1.1.8. "*BCQ*" means 'Building Code Qualified' as set out in Part 4 – Code Official Certifications & Designations of the *Bylaws*.

1.1.9. "*Building Act*" means the *Building Act*, S.B.C. 2015, c. 2., and its regulations, as amended from time to time.

1.1.10. "*Building Official*" means a *Person* who reviews, inspects, or otherwise determines if building designs, plans, or construction complies with *Building Regulations* on behalf of a *Local Authority* or *Authority Having Jurisdiction*.

1.1.11. "*Building Regulations*" has the same meaning as set out under section 1 of the *Building Act*, and also includes similar measures administered or enforced by an *Authority Having Jurisdiction*.

1.1.12. "*Bylaws*" has the same meaning as set out in section 1 of the *Act*.

1.1.13. "*Code of Ethics*" means the Code of Ethics and Professional Conduct as established by Part 9 of the *Bylaws*.

1.1.14. "*Committee*" means standing and ad hoc committee or working group established by the *Bylaws* or the *Executive*.

1.1.15. "*Complainant*" means a *Person* who submits a written complaint to the *Association* about the professional conduct or competency of a *Member* or former *Member*.

1.1.16. "*Deputy Registrar*" means a *Person* appointed by the *Executive* to assist the *Registrar* and exercise the powers and duties of the *Registrar* when the *Registrar* is unavailable or unable to act or as authorized by the *Registrar* or the *Executive*.

1.1.17. "*Electronic Means*" includes, but is not limited to, videoconference, teleconference, email, or other software or systems that are used to conduct meetings, votes, or other *Association* business.

1.1.18. "*Eligible Member*" means a *Regular* or *Retired Member* who is *In Good Standing*.

1.1.19. "*Executive*" means the Executive Committee as set out in section 1 of the *Act*.

1.1.20. "*Executive Code of Conduct*" means the Code of Conduct that governs the conduct of members of the *Executive* and *Committees*.

1.1.21. "*Executive Director*" means the Executive Director of the *Association* as appointed by the *Executive*.

1.1.22. "*In Good Standing*" means that a *Member* meets the following criteria:

1.1.22.1. the *Member's* membership is not cancelled, suspended or subject to restrictions, terms or conditions imposed under *the Act* or *Bylaws*;

1.1.22.2. the *Member* does not owe any outstanding *Membership Dues,* fees, monetary fines, or other amounts to the *Association*; and

1.1.22.3. the *Member* maintains their qualifications under the *Building Act* if they are a *Regular Member* and required to be qualified under the *Building Act* to work as a *Building Official* or *Plumbing Official*.

1.1.23. "*Investigation Panel*" means a panel of Investigation Committee members appointed by the chair of the Investigation Committee to investigate a complaint about a *Member* or former *Member*.

1.1.24. "*Local Authority*" has the same meaning as set out in section 1 of the *Building Act*.

1.1.25. "*Majority*" means more than one half of the votes cast by those present and entitled to vote;

1.1.26. "*Majority Vote*" means a motion passed by a majority of the votes cast by those entitled to vote, whether cast in-person or by *Electronic Means*.

1.1.27. "*Member*" means the same as set out under section 1 of the *Act*.

1.1.28. "*Member Proposal*" means a proposal under section 37 or such a proposal that has been subsequently verified, as the case may be from the context.

1.1.29. "*Members' Meeting"* means an *Annual General Meeting* or a *Special General Meeting*.

1.1.30. "*Membership Dues*" means the dues that are established by the *Executive* that a *Person* must pay annually to the *Association* to become or remain a *Member*.

1.1.31. "*Minister*" means that member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of the *Act*.

1.1.32. "*Officer*" means the *President*, *Vice President(s)*, *Secretary-Treasurer* and *Past President* of the *Association* as set out in section 8 of the *Act*.

1.1.33. "*Parties*" means the *Complainant* and *Respondent* to a complaint that is submitted to the *Association*.

1.1.34. "*Past President"* means the most recent individual to have served as *President* who is available, and willing to serve in the position.

1.1.35. "*PCQ*" means 'Plumbing Code Qualified' as established in Part 4 - Code Official Certifications & Designations of the *Bylaws*.

1.1.36. "*Person*" means an individual human being and does not include a corporation, partnership, or other entity when referring to a *Building Official*, *Plumbing Official*, *Member*, *RBO*, *RPO*, *BCQ*, *PCQ*, the *Registrar* or *Deputy Registrar* in the *Bylaws*.

1.1.37. "*Plumbing Official*" means a *Person* who reviews, inspects, or otherwise determines if building designs, plans, or construction related to plumbing systems comply with *Building Regulations* on behalf of a *Local Authority* or *Authority Having Jurisdiction*.

1.1.38. "*Policy*" means a written policy, procedure, standard, guideline or directive that relates to the governance, programs, certifications, designations or operations of the *Association* and is approved by the *Executive*.

1.1.39. "*President*" means the *Person* elected by *Members* to serve as *President* of the *Association* pursuant to section 7 of the *Act*.

1.1.40. "*Previous Bylaws*" means the bylaws of the *Association* that were last amended on May 30, 2023.

1.1.41. *"Professional Incompetence"* includes a demonstrated lack of knowledge, skill, judgment, or ability in the performance of a *Member's* professional duties as contemplated by section 3 of the *Act*, including plan review, inspection, and the administration of *Building Regulations*, and encompasses conduct that is contrary to the *Code of Ethics* and:

1.1.41.1. demonstrates a persistent or serious failure to meet the standard of practice reasonably expected of a similarly qualified and prudent *Member* in comparable circumstances;

1.1.41.2. shows a lack of ability to apply or interpret applicable enactments, codes, standards, or accepted professional practices;

1.1.41.3. demonstrates an inability to exercise reasonable professional judgment in matters affecting health, safety, or compliance with *Building Regulations*; and/or

1.1.41.4. indicates that the *Member* requires supervision, retraining, or practice limitations in order to competently carry out the functions of a *Building Official* or *Plumbing Official*.

1.1.42. *"Professional Misconduct"* means an act or omission that contravenes the *Code of Ethics* in the performance of building inspection, plan review or the administration of *Building Regulations*.

1.1.43. "*Public Representative*" means a *Person* appointed to the *Executive* by the *Minister* as set out in section 7 of the *Act*.

1.1.44. "*RBO*" means the designation 'Registered Building Official' as established in Part 4 – Code Official Certifications & Designations of the *Bylaws*.

1.1.45. "*Recommending Body*" means either the Investigation Committee or *Investigation Panel* that proposes *ADR* to the *Parties* to a complaint submitted to the *Association*.

1.1.46. "*Register*" means the Register that the *Registrar* must maintain as set out in section 5 of the *Act*.

1.1.47. "*Registrar*" means the *Person* appointed by the *Executive* as set out in section 5 of the *Act*.

1.1.48. "*RPO*" means the designation 'Registered Plumbing Official' as established in Part 4 – Code Official Certifications & Designations of the *Bylaws*.

1.1.49. "*Respondent*" means a *Member* or former *Member* whose professional competence or professional conduct is the subject of a complaint, investigation or discipline proceeding under these *Bylaws*.

1.1.50. "*Resolution Agreement*" means a document that is agreed to and signed by the *Parties* and sets out terms and conditions to resolve a complaint.

1.1.51. "*Secretary-Treasurer*" means the *Person* appointed to serve as Secretary and Treasurer of the *Association* as set out in section 7 of the *Act*, and who, notwithstanding any other provision to the contrary, need not be a *Member* to fill the role.

1.1.52. "*Serve*" means delivery of documents by registered mail, courier, personal delivery or *Electronic Means* to the most recent physical or electronic address provided to the Association by the *Person* or entity to be served, in a manner that provides confirmation or evidence of delivery.

1.1.53. "*Special General Meeting*" means a meeting of *Members* that is not an *Annual General Meeting* and is held pursuant to section 39.

1.1.54. "*Two-thirds (2/3) Resolution"* means a resolution passed by not less than two-thirds (2/3) of the votes validly cast at a *Members' Meeting* by *Members* entitled to vote.

1.1.55. "*Vice President*" includes *Vice President-At-Large* and *Vice President-Plumbing* elected to serve as Vice President of the *Association* pursuant to section 7 of the *Act.*

1.1.56. "*Written Notice*" means information delivered to a *Person, Local Authority* or the *Authority Having Jurisdiction* at the most recent physical address or electronic email address provided to the *Association* for the purposes of receiving information, in accordance with the applicable provisions of these *Bylaws*.

1.1.57. "*Zone*" means the region of B.C. for which an *Eligible Member* may elect a *Zone Director* as identified in the *Bylaws* and may also be referred to as "their zone" or the "*zone* of" an *Eligible Member.*

1.1.58. "*Zone Director*" means an *Eligible Member* elected or holding office to represent regions of B.C. in accordance with section 7 of the *Act*.

2. General Interpretation

2.1. A word that is italicized is a defined term in the *Bylaws*.

2.2. A word defined in the *Bylaws* that is used in a *Policy* shall have the meaning as defined in the *Bylaws*, unless the context indicates otherwise or states otherwise.

2.3. Underlined words in the *Bylaws* denote the title of legislation or regulation.

2.4. Words importing the singular include the plural and vice versa in the *Bylaws*.

2.5. Section 25 of the Interpretation Act governs the calculation of time or days under the *Bylaws*.

2.6. All questions arising to be voted on under the *Bylaws* shall be decided by a *Majority Vote* unless otherwise specified in *the Act* or *Bylaws*.

2.7. Notwithstanding any other provision in the *Bylaws* respecting the manner of voting, a motion may be adopted by general consent in accordance with Roberts Rules of Order, as amended from time to time.

2.8. Unless otherwise stated, where a section number is referenced in the *Bylaws*, the section number refers to the corresponding section number of the *Bylaws*.

3. Policy

3.1. The *Executive* must consult *Members* before approving new *Policies*, or amending *Policies* respecting credentials, programs and fees.

3.2. The *Executive Director* must ensure that any *Policy* approved by the *Executive* is published on the *Association Website* as soon as practicable.

3.3. The *Executive* may establish *Policies* respecting appeals or reconsideration processes for decisions made under the *Act* or the *Bylaws* by the *Executive*, *Committees*, or the *Registrar*, where no right of appeal is provided under section 15 of the *Act*.

4. Notice, Notice Errors and Record Dates

4.1. A requirement for any notice or other document to be in writing, or for any signature, is satisfied if provided in electronic form or by electronic link.

4.2. Accidental omissions or errors in the sending of any *Written Notice*, or non-receipt of such a *Written Notice* required for giving notice to any *Member* or former *Member* entitled to receive it, does not invalidate the *Written Notice* or proceedings pursuant to it.

4.3. Notice delivered under section 4 of these *Bylaws* shall be deemed duly sent and received, and this remains the case even if corrective action is taken. If the *Association* becomes aware of any such omission, error or non-receipt, it shall take corrective action to inform the affected *Member* or former *Member,* and the business or matter contemplated by the notice is not invalidated and may proceed.

4.4. The record date for establishing eligibility to nominate candidates and to vote are set out in the table below:

Purpose	Record Date is the date:
File a nomination with the Elections and Appointments Committee	that is the same as the deadline stated for filing nominations in the *Written Notice* calling for nominations pursuant to section 41.3.
Vote in an election conducted by the Elections and Appointments Committee	of the *Written Notice* calling for the election pursuant to section 42.6.
Vote at an Annual General Meeting	of the *Written Notice* of calling the *Annual General Meeting* pursuant to section 38.2.
Vote at a Special General Meeting	of the *Written Notice* of calling the *Special General Meeting* pursuant to section 39.4.

5. Conflict

5.1. If there is a conflict between the *Bylaws* and the *Act* or between the *Bylaws* and the *Building Act*, the *Act* or the *Building Act* prevail over these *Bylaws*.

6. Severability

6.1. If a *Bylaw* or portion of a *Bylaw* is declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining *Bylaws*.

7. Rules of Order- Parliamentary Authority

7.1. If the *Bylaws* are silent on any matter of procedure or conduct of meetings, the most recent edition of Robert's Rules of Order will be applied as the determinative parliamentary authority.

Part 2 – Corporate Structure

8. Corporate Seal

8.1. The *Association* may have a corporate seal which must bear the name 'Building Officials' Association of British Columbia' and be in a form as determined by the *Executive*.

8.2. The corporate seal, if any, shall be in the custody of the *Executive Director* or other *Person* as determined by the *Executive*.

9. Financial Year

9.1. The *Association* operates on a fiscal year for the purposes of business and financial planning.

10. Financial Review

10.1. The *Association* must have a financial review conducted each fiscal year by a qualified accountant appointed by the *Executive*.

10.2. The financial review must be complete, and the results approved by the *Executive*, before the results are published or presented at an *Annual General Meeting*. However, notwithstanding that provision, if the *Executive* fails to do so:

10.2.1. the presiding *Officer* at the *Annual General Meeting* shall explain the reason for the lack of approval; and

10.2.2. unless an ordinary resolution waives the requirement for a financial review, the *Executive* shall have the financial review completed, approved by the *Executive*, and published or presented to *Members* within three (3) months of the date of the *Annual General Meeting*.

11. Banking Arrangements

11.1. The *Association's* banking business must only be transacted with chartered banks, trust companies or other federally regulated financial institutions that are approved by the *Executive*.

12. Indemnification

12.1. The *Association* may indemnify and provide insurance for past and present *Executive* Members, staff and volunteers against liabilities and expenses reasonably incurred in the good faith performance of their duties, on behalf of the *Association*.

12.2. The *Association* must not indemnify a *Person* whose conduct has been found, by a final decision of a court of competent jurisdiction, to constitute bad faith, dishonesty, or a knowing contravention of the *Act* or the *Bylaws.*

Part 3 – Membership

13. General

13.1. Membership in the *Association* may be granted to *Persons* engaged or interested in the development, administration, or enforcement of *Building Regulations*.

13.2. Applicants for membership must submit a completed application and pay the applicable fee and *Membership Dues* to the *Association*.

14. Membership Categories

14.1. Categories of membership in the *Association* are:

14.1.1. *Regular;*

14.1.2. *Retired;*

14.1.3. *Associate* (includes former categories Associate 1, 2 & 3 in the *Previous Bylaws*);

14.1.4. *Student;*

14.1.5. *Honourary; and*

14.1.6. *Life.*

14.2. The *Registrar* may issue:

14.2.1. *Regular* membership to a *Person* who is employed or contracted to work as a *Building Official* or *Plumbing Official* by a *Local Authority* or *Authority Having Jurisdiction* and meets other requirements of the *Bylaws* and *Policy*;

14.2.2. *Retired* membership to a *Member* or former *Member who* was, at any time, a *Regular Member In Good Standing* and meets other requirements of the *Bylaws* or *Policy*;

14.2.3. *Associate* membership to a *Person* who is associated with an entity that has an interest in *Building Regulations* and meets other requirements of the *Bylaws* or *Policy*; and

14.2.4. *Student* membership to a *Person* who is enrolled in a program or course of study related to *Building Regulations* acceptable to the *Association* and meets other requirements of the *Bylaws* or *Policy*.

14.3. The *Registrar* must not issue an *Associate*, *Retired*, or *Student* membership to a *Person* who is eligible for *Regular* membership.

14.4. The *Registrar* must issue a one-year *Honourary* membership to a *Person* who has been approved by a *Two-thirds (2/3) Resolution* of the *Executive* for distinguished service to *Association* or building regulatory system.

14.5. The *Registrar* must issue a *Life* membership to a *Person* who has been approved by a *Two-thirds (2/3) Resolution* of the *Executive* for making significant and lasting contributions to the *Association* or building regulatory system.

14.6. Notwithstanding any other requirements in these *Bylaws*, the *Executive* may require all *Members* or all *Persons* who hold a specific category of membership to complete specified education from time to time.

14.7. A *Member* who does not comply with section 14.6. may have their membership suspended by the *Registrar*.

14.8. The *Registrar* shall maintain the *Register,* which for each *Member In Good Standing* includes:

14.8.1. the *Member's* category, or most recent category, of *membership*;

14.8.2. any certifications or designations that the *Member* holds or is authorized to use;

14.8.3. information that is required to be included in the register of qualified *Building Officials* pursuant to section 12 of the *Building Act*;

14.8.4. the *Zone* for each *Member* based upon the *Member's* mailing address for *Written Notice* or the mailing address of their primary workplace. *Members* who reside in the Yukon will be assigned membership in the North West Zone.

15. Rights & Privileges

15.1. Only *Eligible Members* may:

15.1.1. vote at a *Members' Meeting*;

15.1.2. propose or second a motion for discussion at a *Members' Meeting*;

15.1.3. propose or sign a *Member Proposal*;

15.1.4. nominate *Eligible Member*s to serve on the *Executive*; or

15.1.5. be nominated, elected or appointed to serve on the *Executive*, except for the *Secretary-Treasurer* who need not be a *Member* and *Public Representatives,* who are appointed by the *Minister*.

16. Membership Dues

16.1. The *Executive* must approve *Membership Dues* for the forthcoming fiscal year by no later than December 31 of the preceding fiscal year.

16.2. The *Executive* must provide *Written Notice* to *Members*, *Local Authorities*, and *Authorities Having Jurisdiction* of any proposed changes to *Membership Dues* at least 30 days in advance of approval, and must conduct a consultation with them on the proposed changes for a period of at least 30 days prior to approval.

16.3. *Written Notice* provided pursuant to section 16.2 must be sent electronically to all *Members*, *Local Authorities*, and *Authorities Having Jurisdiction*, and must be posted on the *Association Website*.

16.4. The *Executive Director* must promptly publish the *Membership Dues* for the forthcoming fiscal year on the *Association Website* once approved by the *Executive* pursuant to section 16.1.

16.5. *Membership Dues* are payable on or before April 30 unless otherwise specified by a resolution of the *Executive*.

16.5.1. A *Member* shall cease to be *In Good Standing* if *Membership Dues* are not paid within 60 days of April 30 or the deadline established by the *Executive* by resolution.

16.5.2. A *Member* who fails to pay *Membership Dues* within 90 days of the deadline established in section 16.5. shall have their membership cancelled.

17. Membership Dues for Reinstatement

17.1. A former *Member* applying to reinstate their membership must pay any applicable reinstatement fee established by the *Executive* and the full *Membership Dues* applicable to the membership category in which they are applying for reinstatement for the fiscal year in which reinstatement is sought. The *Executive* may establish one or more fees that a former *Member* must pay to reinstate their membership.

Part 4 – Code Official Certifications & Designations

18. Issuance and Use

18.1. The *Registrar* may issue certification or designation as a *Building Official* or *Plumbing Official* to a *Member* who:

18.1.1. is *In Good Standing*;

18.1.2. submits the appropriate completed application for certification or designation;

18.1.3. pays any applicable fees to the *Association*; and

18.1.4. meets any requirements established in *Policy* applicable to the certification or designation.

18.2. The *Registrar* shall ensure that the *Register* identifies any certifications or designations that a *Member* holds or is authorized to use.

18.3. A *Member* may only continue to hold a certification or use a designation while *In Good Standing* and meeting requirements established in *Policy* applicable to the certification or designation.

18.4. Notwithstanding any other requirements in these *Bylaws*, the *Executive* may require *Members* holding one or more certifications or designations specified by the *Executive* to complete specified education from time to time.

18.5. A certified or designated *Member* who does not comply with section 18.4 may have their certifications or designations suspended by the *Registrar*.

19. Designations – RBO, RPO, BCQ, PCQ

19.1. The *Registrar* may authorize a *Member* to use a designation, and its abbreviation, if the *Member* satisfies the criteria in section 18 and the added criteria as indicated in table below:

Designation	Abbreviation	Added Criteria
Registered Building Official	*RBO*	Certification as a level 3 *Building Official* under the *Act*.
Registered Plumbing Official	*RPO*	Certification as a level 2 *Plumbing Official* under the *Act*.
Building Code Qualified	*BCQ*	Qualification as a level 3 *Building Official* under the *Building Act.*
Plumbing Code Qualified	*PCQ*	Qualification as a level 2 *Plumbing Official* under the *Building Act.*

Part 5 – Executive Committee

20. Composition

20.1. The *Executive* is comprised of the following, in compliance with section 7 of the *Act*:

20.1.1. a *President*;

20.1.2. *Vice President-At-Large*;

20.1.3. *Vice President-Plumbing*;

20.1.4. a *Past President*;

20.1.5. a *Secretary-Treasurer*;

20.1.6. *Zone Directors* for the following *Zones* (number of directors per *Zone* indicated in parentheses):

20.1.6.1. Kootenay (1)

20.1.6.2. Lower Mainland (2)

20.1.6.3. North Central Interior (1)

20.1.6.4. North West (1)

20.1.6.5. South Central Interior (1)

20.1.6.6. Vancouver Island North (1)

20.1.6.7. Vancouver Island South (1)

20.1.7. up to four *Public Representatives* appointed by the *Minister*.

20.2. Only *Eligible Members* may be elected or serve on the *Executive*, excepting the *Secretary-Treasurer* and *Public Representatives***.**

20.3. Only an *Eligible Member* who is a *Plumbing Official* may be elected or serve as a *Vice President-Plumbing.*

20.4. A member of the *Executive* may hold more than one office concurrently as set out below:

20.4.1. A *Zone Director* may also serve concurrently as *Vice President-At-Large*, *Vice President-Plumbing*, *Secretary-Treasurer*, or *Past President*.

20.4.2. The *Secretary-Treasurer* may also serve concurrently as *Vice President-At-Large*, *Vice President-Plumbing*, *Past President*, or a *Public Representative*.

21. Term of Office

21.1. The term of office for elected *Executive* members is a nominal two (2) years, being the period between two (2) *Annual General Meetings*, or until a successor is elected and inducted, whichever occurs first.

21.2. An elected *Executive* member's:

21.2.1. induction into office commences at the end of the *Annual General Meeting* in which their election is announced; and

21.2.2. term ends upon the earliest of*:*

21.2.2.1. when their successor is inducted into office;

21.2.2.2. submitting notice of their resignation to the *President*; or

21.2.2.3. upon *Executive* approval of a motion for removal pursuant to section 23.

21.3. The term of office for the *Secretary-Treasurer* appointed by the *Executive* is a nominal two (2) years, being the period between two (2) *Annual General Meetings*, or until the *Executive* appoints a successor, whichever occurs first.

21.4. Pursuant to section 21.3, the term of office for the *Secretary-Treasurer* ends upon submission of notice of resignation to the *President* or upon *Executive* approval of a motion for removal pursuant to section 23.

21.5. The term of office for the *Past President* begins and continues while satisfying the definition of *Past President* and ends upon ceasing to satisfy that definition or earlier upon submitting notice of resignation to the *President* or upon *Executive* approval of a motion for removal pursuant to section 23.

21.6. The term of office for a *Public Representative* begins and ends as designated by the *Minister*.

21.7. The term of office for an *Eligible Member* appointed to fill a vacancy on the *Executive* begins upon appointment, continuing for the remainder of the term of the vacant position until a successor is elected and inducted.

21.8. *Executive* members who have served five (5) consecutive terms are not eligible for re-election, or appointment to serve on the *Executive* until after a break in service of at least one (1) term. This provision does not apply to *Public Representatives*.

21.9. A *Person* shall not serve more than two (2) terms as *President,* for a maximum of four (4) years.

22. Vacancies

22.1. A vacancy in office is created if a member of the *Executive* resigns from office or otherwise ceases to hold office. The *Executive* may fill such a vacant position:

22.1.1. with an *Eligible Member* who would be otherwise eligible to run for the position being filled;

22.1.2. notwithstanding section 21.8., with a *Person* who is otherwise ineligible solely due to the consecutive term limit established under that section, if the *Executive* determines the appointment is reasonably necessary to fill the vacancy; and

22.1.3. by approving appointment of the *Eligible Member* through a resolution of the *Executive.*

22.2. A *Person* appointed to fill a vacancy serves the remainder of the previous incumbent's unexpired term.

22.3. If a member of the *Executive* becomes ineligible to serve on the *Executive* during their term, the *Executive* may, by resolution, permit that member to complete the remainder of their current term. This provision does not apply to ineligibility arising from resignation or removal for cause under sections 23 or 24.

23. Removal of Elected Members from Executive

23.1. The *Executive* may inquire into whether cause exists to remove a member of the *Executive*, other than a *Public Representative,* from office.

23.2. The *Executive* may remove a member of the *Executive*, other than a *Public Representative,* from office if the *Executive* finds that the member:

23.2.1. fails to attend three (3) consecutive *Executive* meetings, including *Committee* meetings, without providing appropriate notice to the *President* or *Committee* chair;

23.2.2. contravenes the *Bylaws* or the *Executive Code of Conduct*; or

23.2.3. makes any decision or takes any action that adversely impacts the operations, assets, interests, or reputation of the *Association*.

23.3. As part of its inquiry, and after excluding the member whose conduct is in question, the *Executive* must:

23.3.1. give the member a reasonable opportunity, commensurate with the circumstances, to be heard, verbally or in writing as the *Executive* may choose; and

23.3.2. consider whether the circumstances are sufficiently serious to justify removing the member from the *Executive*.

23.4. Following the inquiry, and after the member has been given notice pursuant to section 23.1, the *Executive* may, by a *Two-thirds (2/3) Resolution*, determine that cause exists and remove the member from office.

24. Removal of Public Representatives from Executive

24.1. The *Executive* may inquire into whether cause exists to recommend to the *Minister* the removal of a *Public Representative* from the *Executive*.

24.2. The *Executive* may recommend to the *Minister* the removal of a *Public Representative* from the *Executive* if the *Executive* finds that the *Public Representative*:

24.2.1. fails to attend three (3) consecutive *Executive* meetings, including *Committee* meetings, without providing appropriate notice to the *President* or *Committee* chair;

24.2.2. contravenes the *Bylaws* or the *Executive Code of Conduct*; or

24.2.3. makes any decision or takes any action that adversely impacts the operations, assets, interests, or reputation of the *Association*.

24.3. As part of its inquiry, and after excluding the *Public Representative* whose conduct is in question, the *Executive* must:

24.3.1. give the *Public Representative* a reasonable opportunity, commensurate with the circumstances, to be heard, verbally or in writing as the *Executive* may choose; and

24.3.2. consider whether the circumstances are sufficiently serious to justify recommending removal.

24.4. Following the inquiry, and after the *Public Representative* has been given notice pursuant to section 24.1, the *Executive* may, by a T*wo-thirds (2/3) Resolution*, determine that cause exists and recommend to the *Minister* the removal of the *Public Representative* from the *Executive*.

25. Powers & Duties of the Executive

25.1. The *Executive* is responsible for fulfilling all duties established in the *Act*.

25.2. The *Executive* will:

25.2.1. further the objects and mandate of the *Association* as set out in the *Act*;

25.2.2. establish the vision, mission, values of the *Association*;

25.2.3. approve the strategic plan of the *Association*;

25.2.4. approve the business plan and annual report of the *Association*;

25.2.5. approve the budget and financial statements of the *Association*;

25.2.6. oversee the fulfillment of obligations and expectations established in the *Administrative Agreement* under the *Building Act*;

25.2.7. establish effective governance practices for the *Association*;

25.2.8. appoint the *Secretary-Treasurer* of the *Association*;

25.2.9. appoint the *Registrar* of the *Association*;

25.2.10. appoint the *Deputy Registrar* of the *Association*;

25.2.11. appoint the chair and members of its *Committees*;

25.2.12. approve and review the operating programs of the *Association*;

25.2.13. establish the date and, if applicable, place of *Annual General Meetings*, *Special General Meetings*, and other *Members' Meetings*;

25.2.14. establish *Policy* for the *Association*;

25.2.15. appoint, monitor and establish compensation for the *Executive Director*;

25.2.16. delegate operational responsibilities and matters to the *Executive Director*;

25.2.17. establish *Membership Dues* for the *Association*; and

25.2.18. exercise such duties and powers as may be in the best interests of the *Association*, as the law allows.

26. Duties of Executive Members

26.1. All members of the *Executive* and *Committees* must abide by the *Executive Code of Conduct*. Every member of the *Executive* and *Committees* must review and commit to abiding by the *Executive Code of Conduct* each calendar year.

26.2. The *President*, unless unavailable or unable:

26.2.1. chairs *Executive* meetings and *Members' Meetings*; and

26.2.2. acts as the spokesperson for the *Executive* and *Association*.

26.3. The *President* is an ex-officio member of all *Committees* and may attend and participate in any *Committee* meeting. The *President* is not counted as a *Committee* member for the purposes of determining quorum, and shall not vote on matter before a *Committee*.

26.4. The *Vice President-At-Large* shall exercise the duties and authorities of the *President* if the *President* is unavailable or unable to act, failing which the *Vice President-Plumbing* shall, in turn, exercise those duties and authorities.

26.5. The *Past President* chairs the Elections and Appointments Committee, unless unavailable or unable, in which case the *Committee* members shall elect a chair from among their number.

26.6. The *Secretary-Treasurer*, unless unavailable or unable:

26.6.1. is chair of the Finance Committee; and

26.6.2. shall report on *Association* finances at *Members' Meetings.*

27. Executive Meetings

27.1. The *Executive* shall hold meetings. The meetings shall be at the call of the *President*, both *Vice Presidents*, or any five (5) members of the *Executive*.

27.2. The *Executive* may hold meetings:

27.2.1. in-person;

27.2.2. by *Electronic Means*; or

27.2.3. by a combination of in-person and *Electronic Means*.

27.3. Members of the *Executive* may attend *Executive* meetings by *Electronic Means*, if practical and commercially reasonable for the *Association* as determined by the *President*.

27.4. A *Majority* of members of the *Executive* constitutes quorum.

27.5. No business, other than recess, adjournment, or to take measures to obtain a quorum may be conducted at an *Executive* meeting when quorum is not present.

27.6. Once quorum is confirmed and an *Executive* meeting commences, quorum is always presumed to be present.

27.7. All questions arising at an *Executive* meeting must be decided by a *Majority Vote* unless otherwise specified in *the Act* or *Bylaws*.

27.8. Voting during *Executive* meetings may be conducted using *Electronic Means*.

27.9. The *President* may not move or second a motion at an *Executive* meeting and only votes on a motion to break a tie.

28. Executive Email Votes

28.1. Only the *President* may authorize the *Executive* to conduct a vote by email.

28.2. A motion subject to an email vote must be moved and seconded by two (2) members of the *Executive*, other than the *President.*

28.3. At least seven (7) days, or such shorter period as the *President* believes is in the best interests of the *Association*, shall be provided to all members of the *Executive* to submit an email vote.

28.4. An *Executive* member shall be deemed to have abstained from an email vote if their vote is not received within the designated time set by the *President* under section 28.3.

28.5. An email vote is decided by a *Majority Vote* unless otherwise specified in *the Act* or *Bylaws*.

28.6. The outcome of an email vote is valid and of the same effect as if the vote were held during a meeting of the *Executive*.

28.7. The results of any email vote shall be reported at the next *Executive* meeting and recorded in the minutes.

29. Executive Member Reimbursement

29.1. No member of the *Executive* may receive remuneration for serving on the *Executive.*

Part 6 – Committees

30. Standing Committees

30.1. The following standing *Committee*s of the *Executive* are established:

30.1.1. Finance Committee;

30.1.2. Governance Committee;

30.1.3. Elections and Appointments Committee;

30.1.4. Investigation Committee; and

30.1.5. Discipline Committee.

30.2. The *Executive* may also establish other *Committees* in accordance with the *Act* and the *Bylaws*.

31. Committee Authority and Member Duties

31.1. A *Committee* will have such terms of reference and powers as approved by the *Executive*, subject to provisions otherwise in the *Act* and *Bylaws*.

31.2. The *Executive* or a *Committee* specified by the *Executive* must annually review the number, mandates, composition, and activities of the *Committees*.

31.3. All *Committee* members must abide by the *Executive Code of Conduct*. Each member of a *Committee* must review and commit to abiding by the *Executive Code of Conduct* each calendar year.

32. Committee Composition

32.1. *Committees* must be comprised of at least three (3) *Persons*.

32.2. The *Executive* appoints all members of *Committees*, subject to appointments otherwise made under the *Bylaws*.

32.3. The *Executive* may appoint *Members* or non-members to *Committees*, who shall serve at the pleasure of the *Executive*.

32.4. *Members* appointed to *Committee*s must be *In Good Standing*.

32.5. Except as appointed otherwise under the *Bylaws*, the following apply:

32.5.1. the *Executive* must designate one member of each *Committee* as the chair of the *Committee*;

32.5.2. the chair of a *Committee* must be a member of the *Executive*, excluding the chairs of the Investigation *Committee* and Discipline *Committee* who are not required to be members of the *Executive*;

32.5.3. the members of each *Committee* must designate one member of the *Committee* as vice-chair of the *Committee*; and

32.5.4. the vice-chair of a *Committee* is not required to be a member of the *Executive.*

32.6. The *Executive* shall not appoint the same individual to both the Discipline Committee and the Investigation Committee. If only one *Public Representative* is appointed to the *Executive*, the *Executive* must appoint that *Public Representative* to the Discipline Committee.

33. Committee Meetings

33.1. *Committee* meetings shall be called by the *Committee chair*, or by a *Majority* of *Committee* members.

33.2. A *Committee* may hold meetings:

33.2.1. in-person;

33.2.2. by *Electronic Means*; or

33.2.3. by a combination of in-person and *Electronic Means*.

33.3. *Committee* members may attend *Committee* meetings by *Electronic Means*, if practical and commercially reasonable for the *Association* as determined by the *President*.

33.4. A majority of appointed *Committee* members in attendance at a *Committee* meeting constitutes quorum, unless specified otherwise in the *Bylaws* or its terms of reference.

33.5. No business may be conducted at a *Committee* meeting unless quorum is present, except to recess, adjourn, or take measures to obtain quorum.

33.6. Once quorum is confirmed and a *Committee* meeting commences, quorum is presumed to continue, except for the Investigation Committee and the Discipline Committee.

33.7. The Investigation Committee and the Discipline Committee must confirm and ensure quorum at each meeting, including for each *Complaint* file review and each decision made, where the *Committee* is reviewing a file or conducting a discipline hearing.

33.8. All questions arising at a *Committee* meeting must be decided by a *Majority Vote* unless otherwise specified in *the Act* or *Bylaws*.

33.9. *Committee* meeting votes may be conducted using *Electronic Means.*

33.10. The chair of a *Committee* may move, second, or vote on a motion that comes before the *Committee*.

33.11. In the case of a tie vote on a matter before a *Committee*, the motion is defeated.

34. Committee Email Votes

34.1. Only the chair of a *Committee* may direct that a vote be conducted by email.

34.2. A motion that is the subject of an email vote must be moved and seconded by *Committee* members, including the chair.

34.3. At least 7 days notice must be provided to all *Committee* members to submit their vote by email, unless the chair of the *Committee* determines that a shorter period is in the best interests of the *Association*.

34.4. An email vote is decided by *Majority Vote* unless otherwise specified in *the Act* or *Bylaws.*

34.5. A *Committee* member who does not submit a vote before the deadline established by the chair is deemed to have abstained.

34.6. The result of an email vote is as valid and has the same force and effect as if the vote were held during a meeting of the *Committee*.

34.7. The results of any email vote shall be reported at the next *Committee* meeting and recorded in the minutes of that meeting.

Part 7 – Members' Meetings

35. General

35.1. Fifty (50) *Eligible Members* attending a *Members' Meeting* constitutes quorum.

35.2. No business may be conducted at a *Members' Meeting* unless quorum is present, except to recess, adjourn, or take measures to obtain quorum.

35.3. Each *Eligible Member* attending a *Members' Meeting* is entitled to one vote on each motion considered at the *Members' Meeting*.

35.4. For each *Members' Meeting*, the *Executive* must establish:

35.4.1. the date and, if applicable, place of a *Members' Meeting*;

35.4.2. whether *Members* may attend:

35.4.2.1. in-person;

35.4.2.2. by *Electronic Means*; or

35.4.2.3. by a combination of in-person and by *Electronic Means;* and

35.4.3. whether voting will be conducted by:

35.4.3.1. a show of hands;

35.4.3.2. physical ballot; or

35.4.3.3. *Electronic Means*.

35.5. All matters voted on at a *Members' Meeting* are decided by a *Majority Vote* unless otherwise specified in *the Act* or *Bylaws*.

35.6. In the event of a tie vote on a motion at a *Members' Meeting*, the proposed motion is defeated.

35.7. The chair of a *Members' Meeting* may not move, or second, or vote on a motion at a *Members' Meeting,* but may accept motions on non-controversial matters by general consent.

36. Minutes of Members' Meetings

36.1. Within 90 days following a *Members' Meeting*, the minutes of the meeting shall be reviewed and approved on behalf of the membership by the *Executive*, and then promptly posted on the *Association Website*.

36.2. At the next *Members' Meeting* an *Eligible Member* may move to correct any errors or omissions without notice.

37. Member Proposals

37.1. *Eligible Members* may submit a proposed M*ember Proposal* to the *President*. If the proposal is verified, the *Executive* must place the *Member Proposal* on the agenda for:

37.1.1. the next *Annual General Meeting*, if being held within 90 days of the submission or otherwise; or

37.1.2. a *Special General Meeting*.

37.2. To be verified, a *Member Proposal* must:

37.2.1. be written and signed by at least 100 *Eligible Members*;

37.2.2. contain reasonably sufficient detail to verify the identity of the signatories;

37.2.3. set out the wording of the proposed motion to be considered at the *Members' Meeting*; and

37.2.4. not relate to a matter that was the subject of a motion that was considered at the last *Annual General Meeting* or any intervening *Special General Meeting*.

37.3. Within 30 days of receiving a *Member Proposal*, the *Executive* must determine whether the M*ember Proposal* is verified and must not unreasonably withhold verification.

38. Annual General Meeting

38.1. An *Annual General Meeting* must be held at least once in every calendar year and not more than 15 months after the preceding *Annual General Meeting*.

38.2. At least 30 days before an *Annual General Meeting* the *Executive* must send *Written Notice* of the meeting to each *Member* and post that *Written Notice* on the *Association Website*. The *Written Notice* must contain:

38.2.1. the meeting date, time, method and, if applicable, location; and

38.2.2. the agenda, or a link to the agenda, including:

38.2.2.1. any *Member Proposal* with the text, or a link to the text; and

38.2.2.2. any business to be conducted as new business or arising from reports.

38.3. The agenda for an *Annual General Meeting* shall be set by the *Executive* and shall include the following in the order indicated:

38.3.1. call to order;

38.3.2. confirmation of quorum;

38.3.3. adoption of agenda;

38.3.4. call for motions to correct any errors or omissions in the minutes of previous *Members' Meeting;*

38.3.5. election results identifying successful candidates without disclosing vote tabulations.

38.3.6. reports:

38.3.6.1. *President;*

38.3.6.2. *Vice Presidents*;

38.3.6.3. *Secretary-Treasurer;*

38.3.6.4. *Zone Directors;*

38.3.6.5. *Public Representatives;*

38.3.6.6. Elections and Appointments Committee;

38.3.7. *Member Proposals,* by filing date, if any;

38.3.8. new business; and

38.3.9. adjournment (without limiting the ability to adjourn earlier).

38.4. The agenda for an *Annual General Meeting* may be reordered by *Two-thirds (2/3) Resolution* of the *Eligible Members* present without need for prior notice.

39. Special General Meeting.

39.1. Any *Members' Meeting* other than an *Annual General Meeting* is a *Special General Meeting*.

39.2. A *Special General Meeting* shall be called:

39.2.1. if the *Executive* passes a resolution to call the meeting; or

39.2.2. if a *Member Proposal* is verified under the *Bylaws* more than 90 days before the date of the next *Annual General Meeting* pursuant to section 37.3.

39.3. Within 30 days of verifying a *Member Proposal* requiring a *Special General Meeting*, the *Executive* must provide *Written Notice* calling the meeting.

39.4. At least 30 days before a *Special General Meeting*, the *Executive* must send *Written Notice* of the meeting to each *Member* and post that *Written Notice* on the *Association Website*. The *Written Notice* must contain:

39.4.1. the meeting date, time, method and, if applicable, location;

39.4.2. the text of any *Executive* motion or a link to the text;

39.4.3. the text of any *Member Proposal* or a link to the text; and

39.4.4. the agenda including:

39.4.4.1. call to order (with quorum);

39.4.4.2. adoption of the agenda;

39.4.4.3. call for motions to correct any errors or omissions in the minutes of previous *Members' Meeting*;

39.4.4.4. new business:

39.4.4.4.1. *Executive* motion, if any;

39.4.4.4.2. *Member Proposal*, if any; and

39.4.4.5. adjournment.

39.5. Only business identified on the agenda of a *Special General Meeting* may be considered at a *Special General Meeting*, unless all *Eligible Members* present unanimously consent to consider other business.

Part 8 – Nominations & Elections

40. Elections and Appointments Committee

40.1. The responsibilities of the Elections and Appointments Committee include:

40.1.1. overseeing the nomination and election process for positions on the *Executive*;

40.1.2. soliciting for nominees for election or acclamation to the *Executive*;

40.1.3. soliciting for candidates for appointment to the *Executive* or *Committees*; and

40.1.4. other duties assigned by the *Executive.*

41. Executive Committee Nominations

41.1. Nominations and, when needed, elections for positions on the *Executive* will be held annually in accordance with the following schedule:

41.1.1. *President* (even years)

41.1.2. *Vice President-At-Large* (odd years)

41.1.3. *Vice President-Plumbing* (even years)

41.1.4. *Zone Director*, Kootenay (odd years)

41.1.5. *Zone Director*, Lower Mainland (even years)

41.1.6. *Zone Director*, Lower Mainland (odd years)

41.1.7. *Zone Director*, North Central Interior (even years)

41.1.8. *Zone Director*, North West (odd years)

41.1.9. *Zone Director*, South Central Interior (even years)

41.1.10. *Zone Director*, Vancouver Island North (odd years)

41.1.11. *Zone Director*, Vancouver Island South (even years)

41.2. At least 90 days before voting begins, the Elections and Appointments Committee must solicit nominations by sending *Written Notice* to all *Members* and posting the same information on the *Association Website*. The *Written Notice* must:

41.2.1. identify the positions on the *Executive* that are open for nomination;

41.2.2. specify the deadline and method for submission of nomination forms; and

41.2.3. set out nomination instructions, including any eligibility criteria for nomination as a *Zone Director*.

41.3. *Eligible Members* must submit nominations to the *Association* using the form approved by the Elections and Appointments Committee by the stated deadline, which must be at least 30 days before voting begins.

41.4. A nomination must be moved by an *Eligible Member*, but does not require a seconder.

41.5. Before listing a nominee as a candidate for election, the Elections and Appointments Committee must confirm that the nomination is valid, the nominee is willing to serve, and the nominee is eligible to serve on the *Executive* under the *Act* and the *Bylaws*.

41.6. Where more than one *Eligible Member* is nominated for a *Zone Director* position, the Elections and Appointments Committee must conduct a preliminary vote by *Electronic Means* among *Eligible Members* of that *Zone* to select a single nominee for acclamation.

41.7. Only *Eligible Members* identified in the *Register* for a *Zone* may:

41.7.1. serve as *Zone Director* for that *Zone*;

41.7.2. nominate another *Eligible Member* from that *Zone* to serve as *Zone Director*; or

41.7.3. vote in a *Zone* nomination election to determine the nominee of that *Zone* for acclamation by the Elections and Appointments Committee.

42. Executive Committee Elections – General

42.1. Each *Eligible Member* is entitled to one vote in an election for each position that is open for election on the *Executive*, except that an *Eligible Member* may only vote for a *Zone Director* for their *Zone* as recorded in the *Register.*

42.2. The Elections and Appointments Committee must conduct an election by *Electronic Means* where more than one nominee is eligible for a position.

42.3. The nominee who receives the greatest number of votes for a position is elected to that position.

42.4. Where only one nominee is eligible for a position, the Elections and Appointments Committee must declare the nominee elected by acclamation.

42.5. An *Eligible Member* selected as a *Zone* nominee pursuant to section 41.6 must be formally declared elected by acclamation by the Elections and Appointments Committee.

42.6. At least 15 days before the start of voting, the Elections and Appointments Committee must send *Written Notice* to all *Members*, that:

42.6.1. identifies positions open for election on the *Executive*;

42.6.2. identifies nominees for each position;

42.6.3. establishes instructions about how to cast a vote in the election, including who may cast a vote; and

42.6.4. establishes the date and time that voting opens and closes, which shall start 15 days after sending the *Written Notice* and close 30 days after voting opens.

42.7. Votes received after the close of voting must not be counted.

42.8. If two or more nominees receive an equal highest number of votes, the Elections and Appointments Committee must conduct a further election limited to those nominees and repeat the process until one of the nominees receives a *Majority* of votes and is declared elected.

43. Election Results

43.1. As soon as practicable after conducting an election, the chair of the Elections and Appointments Committee must send *Written Notice* of preliminary election results, including any acclamations, to the *Executive* and *Members*.

43.2. Notice provided under section 43.1 must state that:

43.2.1. the election results are preliminary during the challenge period;

43.2.2. the election results become official after the challenge period has concluded, followed by *Written Notice* from the chair of the Elections and Appointments Committee to the *Executive* and *Members*; and

43.2.3. terms of office for members of the *Executive*, except for *Public Representatives*, are determined in accordance with section 21, and do not commence until induction at the *Annual General Meeting*.

43.3. Following the conclusion of the challenge period, the chair of the Elections and Appointment Committee must send *Written Notice* of the official election results to the *Executive* and *Members*.

44. Election Challenges and Reviews

44.1. Within 10 days after *Written Notice* of preliminary election outcome(s) is issued to *Members* pursuant to section 43.1., a nominee who was not elected may submit a written request for the *Executive* to review the results of the election.

44.2. Upon receipt of a request for review pursuant to section 44.1., the chair of the Elections and Appointments Committee must provide the *Executive* with the tabulation of votes as soon as practicable.

44.3. After conducting a review, the *Executive* may:

44.3.1. confirm the result of the election(s);

44.3.2. rescind the result of the election(s);

44.3.3. declare a different nominee elected; or

44.3.4. order a new election(s) for the position(s) in question, which must include written reasons for ordering the new election(s).

45. Election Security

45.1. The *Executive Director* must implement reasonable controls and security measures, in accordance with any direction given by the Elections and Appointments Committee, to safeguard the integrity and confidentiality of the election process, to reasonably assure that:

45.1.1. only *Eligible Members* can vote;

45.1.2. the identities of voters and the contents of their ballots remain confidential; and

45.1.3. vote tabulation systems are accurate and secure.

45.2. The election data, including the tabulations, must be retained by the *Executive Director* for the 30 days or for 30 days after the *Executive* has decided any election challenges pursuant to section 44.

46. Appointments

46.1. The Elections and Appointments Committee must identify and recommend suitable candidates to the *Executive* for appointment to:

46.1.1. the position of *Past President;*

46.1.2. the position of *Secretary-Treasurer*;

46.1.3. the *Executive* to fill a vacancy pursuant to section 22; and

46.1.4. C*ommittees*.

46.2. The *Executive* may establish competency criteria to guide the Elections and Appointments Committee in soliciting and recommending candidates for appointment as *Secretary-Treasurer* or to *Committees*.

46.3. In a year in which the term of office of the *Secretary-Treasurer* is due to expire, the Elections and Appointments Committee must present candidates for the position of *Secretary-Treasurer* to the *Executive* within 30 days after *Members* are notified of the official election results, pursuant to section 43.3.

Part 9 – Member Ethics & Conduct

47. Code of Ethics and Professional Conduct

47.1. The *Code of Ethics* establishes principles to guide the professional decision-making and conduct of *Members* or former *Members* when they are or were performing one or more of the following functions: building inspection, plan review and/or the administration of *Building Regulations*.

47.2. *Members* must comply with the *Code of Ethics* in letter and its spirit or intent.

47.3. Any *Member* who holds a certification or designation issued pursuant to sections 18 and 19 shall comply with the *Code of Ethics* pursuant to section 10(q) of the *Act*.

47.4. *Members* must review the *Code of Ethics* and confirm their commitment to comply with it annually.

47.5. In accordance with the *Code of Ethics*, *Members* shall:

47.5.1. hold paramount the safety, health, and welfare of the public, including the protection of the environment and property;

47.5.2. perform professional duties and responsibilities competently, diligently, and in a timely manner;

47.5.3. conduct themselves with honesty, fairness, and courtesy in the performance of professional duties;

47.5.4. respond to notices, inquiries, and requests from the *Association* by any deadline established by the *Association*;

47.5.5. have regard for the common law and any applicable provincial or federal enactments in the performance of professional duties;

47.5.6. have regard for *Policies*, standards, and guidelines issued by the *Association*;

47.5.7. practice within the scope permitted by the qualifications, certifications, or designations that they hold;

47.5.8. maintain competence in fields relevant to their credentials and professional duties;

47.5.9. contribute to advancing knowledge and understanding of *Building Regulations*;

47.5.10. refrain from conduct that the *Member* knows, or reasonably ought to know, will bring the *Association* or its *Members* into disrepute;

47.5.11. avoid situations and circumstances in which there is a real or perceived conflict of interest and ensure that conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not influence the performance of professional duties; and

47.5.12. protect personal information and never use confidential information obtained through professional duties to further personal interests.

Part 10 – Complaints & Investigations

48. General

48.1. The *Association* may investigate complaints regarding the professional competence or the professional conduct of the *Members* or former *Members* when performing or having performed the functions of building inspection, plan review or the administration of *Building Regulations*.

48.2. The *Association* shall conduct investigations in accordance with the *Act* and the *Bylaws*.

48.3. The *Association* shall administer complaints, investigations and discipline proceedings in an objective, fair, transparent and timely manner that is consistent with procedural fairness and the principles of natural justice.

48.4. The *Association* shall not evaluate or interfere with the policy decisions of *Local Authorities* or *Authorities Having Jurisdiction*, or the content of their policies, procedures, or administrative systems, or matters outside the functions set out in section 48.1., unless the *Local Authority* or *Authority Having Jurisdiction* agrees. However, the *Association* may, in investigating a complaint, review such policy decisions, policies, procedures, or administrative systems to the extent necessary for that investigation.

48.5. The *Executive* may establish *Policies* related to the administration of complaints and investigations.

49. Investigation Committee Duties

49.1. The Investigation Committee is established pursuant to section 10(2)(y) of the *Act,* to inquire into the conduct and competence of *Members*, or former *Members*, and to perform the duties assigned to it under the *Act* and the *Bylaws.*

49.2. The Investigation Committee may establish an *Investigation Panel* to investigate a complaint in accordance with section 57.

49.3. Before establishing an *Investigation Panel* pursuant to section 53.1.4., the Investigation Committee may do one or more of the following, as set out in section 53.1:

49.3.1. make an order to take extraordinary action pursuant to section 54;

49.3.2. defer consideration of a complaint pursuant to section 55;

49.3.3. close a complaint pursuant to section 53.1.1.; or

49.3.4. propose that the *Parties* resolve a complaint through *ADR* pursuant to section 58.

49.4. If the Investigation Committee establishes an *Investigation Panel* pursuant to section 53.1.4., the Investigation Committee may approve recommendations from the *Investigation Panel* to exercise any of the powers identified under section 49.3, except the power to propose resolution by *ADR*.

49.5. The Investigation Committee may combine two or more complaints relating to the same *Respondent* or subject matter into a single matter for the chair of the Investigation Committee to refer to an *Investigation Panel.*

50. Investigation Committee Members

50.1. A member of the Investigation Committee must not be a member of the Discipline Committee.

50.2. A member of the Investigation Committee must not participate in the consideration or investigation of a matter for which the member:

50.2.1. was involved in the matter before the complaint was submitted;

50.2.2. has or had a relationship with any of the *Parties*; or

50.2.3. has a real or a reasonably perceived conflict of interest.

50.3. A member of the *Executive* serving on the Investigation Committee must not participate in a matter if the *Executive* member is one of the *Parties* or may be called as a witness.

51. Chair of Investigation Committee

51.1. The chair of the Investigation Committee may:

51.1.1. appoint at least three individuals to an *Investigation Panel;*

51.1.2. designate the chair of an *Investigation Panel;* or

51.1.3. terminate the:

51.1.3.1. appointment of a member of an *Investigation Panel*; or

51.1.3.2. designation of the chair of an *Investigation Panel*.

51.2. Where the chair of the Investigation Committee has a real or reasonably perceived conflict, the vice-chair shall act as chair for that matter.

51.3. Where the vice-chair of the Investigation Committee also has a real or reasonably perceived conflict, the remaining members must select a temporary chair for that matter.

52. Complaint Submission

52.1. Anyone may submit a complaint to the *Association* about the professional competence or professional conduct of a *Member* or former *Member*.

52.2. Complaints must be submitted to the *Association* using the form established by the *Association* and must include sufficient information for the *Association* to assess the complaint. Complaints are only considered submitted, or filed, when accepted by the *Association* as complete.

52.3. Any complaint that the *Registrar* or Investigation Committee considers to contain a mix of complaint, argument, evidence, or testimony shall be assessed and, with the consent of the *Complainant*, the specific allegations shall be identified and stated as the complaint. A complaint that lacks such identified and specific allegations, and is not supported by any evidence to the reasonable satisfaction of the *Registrar* or Investigation Committee, may be:

52.3.1. considered not complete to file; or

52.3.2. filed irrespective of any issues identified by the *Association* to the *Complainant*.

52.4. The Investigation Committee may establish an *Investigation Panel* to investigate any complaint that comes to its attention, including:

52.4.1. an anonymous complaint; or

52.4.2. a matter that comes to the *Association's* attention without a complaint, on good faith grounds and where it is in the public interest.

52.5. A *Complainant* may ask to remain confidential during a complaint investigation upon submission of their complaint. This request shall be reviewed on a case-by-case basis, having regard to the requirements of the Freedom of Information and Protection of Privacy Act, and the principles of fairness and natural justice. The *Association* may decline the request where confidentiality would not be in the public interest or would prejudice procedural fairness.

52.6. Confidentiality of a *Complainant's* identity and any related information shall be maintained by the *Registrar*, the Investigation Committee, and any *Investigation Panel*, subject to procedural fairness requirements, privacy legislation including the Freedom of Information and Protection of Privacy Act and the public interest.

52.7. Within 60 days of the *Association* receiving a complaint, the *Registrar* must do one or more of the following:

52.7.1. close all or part of the complaint without an investigation if the *Registrar* reasonably believes that:

52.7.1.1. the complaint, based on the information submitted by the *Complainant*:

52.7.1.1.1. is not related to matters raised involving *Professional Incompetence* or *Professional Misconduct* of a *Member* or former *Member*; or

52.7.1.1.2. even if proven true, would not establish *Professional Incompetence* or *Professional Misconduct*;

52.7.1.2. the complaint concerns a matter over which the *Association* does not have jurisdiction;

52.7.1.3. the substance of the matters raised has been or is being appropriately decided or otherwise addressed by another entity through another process or proceeding;

52.7.1.4. the complaint is trivial, frivolous, vexatious or made in bad faith; or

52.7.1.5. the complaint does not meet the requirements of the *Act* or the *Bylaws*; or

52.7.2. refer the complaint and submitted evidence to the Investigation Committee for consideration pursuant to section 53.

52.8. Upon the *Registrar* making a decision pursuant to section 52.7., the *Registrar* must send *Written Notice* of the decision to the *Parties* and the Investigation Committee. In the case of a decision to close all or part of a complaint pursuant to section 52.7.1., the *Written Notice* shall include the reasons for the decision.

53. Investigation Committee Review

53.1. Within 120 days of receiving a complaint from the *Registrar* pursuant to section 52.7.2., the Investigation Committee must do one of the following:

53.1.1. decline to authorize an investigation and close the complaint if the Investigation Committee reasonably believes that any of the criteria under section 52.7.1. are met;

53.1.2. make an order for extraordinary action pursuant to section 54;

53.1.3. defer investigation of the complaint pursuant to section 55; or

53.1.4. establish an *Investigation Panel* and refer the complaint to the *Investigation Panel* for investigation pursuant to section 57; or

53.1.5. propose that the *Parties* attempt to resolve the complaint through *ADR* pursuant to section 58.

53.2. Before making a decision other than closing the complaint pursuant to sections 53.1.3., 53.1.4., 53.1.5., the Investigation Committee must send *Written Notice* to the *Respondent* providing the *Respondent* with a reasonable opportunity to submit an initial response to the complaint by a deadline established by the Investigation Committee.

53.3. Upon making a decision pursuant to section 53.1, the Investigation Committee must send *Written Notice* of the decision to the *Parties*. In the case of a decision to close a complaint pursuant to section 53.1.1, the *Written Notice* must include the reasons for the decision.

54. Extraordinary Action to Protect the Public

54.1. The Investigation Committee may take extraordinary action at any time, and issue an order under this section without being required to conduct an investigation or hearing, if the Investigation Committee determines that:

54.1.1. a complaint or circumstance discloses prima facie case against a *Respondent*; and

54.1.2. the extraordinary action is necessary to protect the public from serious risk or harm.

54.2. If the Investigation Committee determines that extraordinary action is necessary, it may make a written order. The written order shall:

54.2.1. specify the action(s) ordered, which may include suspension, limitation, or the imposition of terms or conditions on the certifications or designations of a *Respondent*;

54.2.2. specify the date upon which the order comes into effect; and

54.2.3. include, or be issued separate from, the reason(s) or basis for the order.

54.3. Upon issuance of a written order under this section 54.2., the Investigation Committee shall promptly provide to the *Respondent*:

54.3.1. the written order;

54.3.2. the reasons for the written order; or

54.3.3. the information relied upon to issue the written order.

54.4. Where practicable in the circumstances, the Investigation Committee may provide the *Respondent* with a reasonable opportunity, within a time established by the Investigation Committee, to make written submissions or provide evidence in response where a written order has been issued under section 54.2.

54.5. Upon receipt of submissions or evidence from the *Respondent* under section 54.4., the Investigation Committee may reconsider the written order and may confirm, vary, or rescind it.

54.6. If the Investigation Committee determines that extraordinary action is no longer necessary, it must rescind the order as soon as practicable and provide *Written Notice* of the rescission to the *Respondent*.

55. Investigation Committee Complaint Deferral

55.1. Where a court, administrative tribunal, or other entity has already issued a final decision about the substance of a complaint before being submitted to the *Association*, the Investigation Committee shall consider that decision, and may consider any associated evidence, when determining whether the *Association* should initiate or continue investigation of a complaint.

55.2. Where the substance of a complaint is already under consideration by a court, administrative tribunal, or other entity at the time that the complaint is submitted to the *Association*, the Investigation Committee may defer consideration or investigation of the complaint until the court, administrative tribunal or other entity issues its final decision.

55.3. Where the substance of a complaint is submitted to a court, administrative tribunal, or other entity, after it has already been submitted to the *Association*, the Investigation Committee may defer investigation of the complaint until such time as that court, administrative tribunal, or other entity issues its final decision.

55.4. If an *Investigation Panel* determines that the circumstances described sections 55.1, 55.2. or 55.3. apply to a complaint that it is investigating, the *Investigation Panel* may recommend to the Investigation Committee that its investigation be closed, deferred, suspended.

55.5. Upon the Investigation Committee making a decision to close, defer or suspend, investigation of a complaint under section 55.1, 55.2, or 55.3, the Investigation Committee must send a *Written Notice* to the *Parties* stating the decision, including reasons.

56. Investigation Panel Review

56.1. An *Investigation Panel* is and must fulfill the duties of a *Committee* pursuant to section 10(2)(y) of the *Act*.

56.2. Quorum for an *Investigation Panel* requires the presence and participation of at least three (3) members at all times during the investigation of a complaint, including review, deliberation, and decision making.

56.3. The members of an *Investigation Panel* appointed by the chair of the Investigation Committee must remain the same for the duration of the investigation of a complaint and until the *Investigation Panel* makes a determination with respect to the complaint pursuant to section 59.

56.4. If a member of an *Investigation Panel* is unable to participate in the investigation of a complaint, including the consideration, discussion, or decision making stage, that member shall no longer sit on the *Investigation Panel* for that matter. The remaining members shall continue the investigation, provided that quorum is maintained. If quorum is compromised, a replacement *Investigation Panel* member shall be appointed in accordance with these *Bylaws*.

56.5. At any time before making a decision pursuant to section 59, an *Investigation Panel* may propose to the *Parties* that they resolve a complaint through *ADR* pursuant to section 58.

56.6. At any time after an *Investigation Panel* is established to investigate a complaint, the *Investigation Panel* may recommend to the Investigation Committee that the Committee exercise any of the Committee's powers identified under section 49.3., except the power to propose resolution by *ADR*, pursuant to section 49.4.

56.7. At the conclusion of a complaint investigation, an *Investigation Panel* must make a decision with respect to the complaint pursuant to section 59.

57. Complaint Investigation

57.1. An *Investigation Panel* established pursuant to section 53.1.4. must investigate the complaint referred to it by the Investigation Committee and may seek assistance from an investigator or other *Persons* to conduct the investigation.

57.2. A complaint investigation is considered formally commenced when the Investigation Committee refers the complaint to the *Investigation Panel* for investigation, regardless of whether an investigator has been appointed.

57.3. An *Investigation Panel* may require the *Parties* to participate in a meeting before or during a complaint investigation to discuss a matter related to the investigation or complaint.

57.4. The *Respondent* must be notified about the complaint and provided with a reasonable opportunity to submit a response to the complaint.

57.5. *Members* and former *Members* must cooperate with any request or inquiry related to a complaint investigation conducted by an *Investigation Panel*, which includes responding to requests or inquiries according to timelines or deadlines established by the *Investigation Panel*.

57.6. If a *Respondent*, *Member*, or former *Member* obstructs or fails to cooperate with a complaint investigation conducted by an *Investigation Panel*, the *Investigation Panel* may:

57.6.1. recommend to the Investigation Committee that the obstruction or failure form the basis of a new complaint that is submitted to the *Association* by the chair of the Investigation Committee; or

57.6.2. if the *Investigation Panel* issues a consent agreement or citation, add that conduct to the consent agreement or citation on its own motion.

57.7. In cases where an investigator assists an *Investigation Panel* with its investigation of a complaint, a written report must be prepared by an investigator at the conclusion of the investigation and submitted to the *Investigation Panel*.

57.8. An *Investigation Panel* is not required to hold a hearing or otherwise provide opportunity for the *Parties* or other *Persons* to make oral submissions as part of a complaint investigation.

58. Alternative Dispute Resolution

58.1. *ADR* may be proposed by a *Recommending Body* to the *Parties* as follows:

58.1.1. by the Investigation Committee before establishing an *Investigation Panel* to investigate the complaint; or

58.1.2. by an *Investigation Panel* established to investigate a complaint.

58.2. *ADR* cannot be proposed to the *Parties* if the complaint relates to alleged:

58.2.1. contravention of federal or provincial law;

58.2.2. serious *Professional Incompetence* or *Professional Misconduct* that poses a risk of harm to the public, environment or property;

58.2.3. sexual, physical, emotional, or financial abuse;

58.2.4. discrimination based on personal traits established under the *B.C. Human Rights Code*;

58.2.5. intentional acts of harm; or

58.2.6. bad faith.

58.3. If the *Parties* agree, in writing, with the *Recommending Body* to participate in *ADR:*

58.3.1. the *Recommending Body* shall appoint a mediator for the matter; and

58.3.2. an *Investigation Panel*, if any, must suspend its investigation for the duration of the *ADR*.

58.4. A mediator must be an objective and unbiased *Person* who:

58.4.1. is not an employee of the *Association*;

58.4.2. does not have a conflict of interest in relation to the complaint including any reasonably perceived conflict of interest;

58.4.3. has recognized credentials related to *ADR*; and

58.4.4. will establish and manage the *ADR* process in accordance with the *Act* and the *Bylaws* and established norms of *ADR* principles and practice.

58.5. The *Parties* must participate in the *ADR*, which includes meeting deadlines and attending meetings scheduled by the mediator.

58.6. A mediator may terminate an *ADR* if one or more of the *Parties* fail to participate in the *ADR* to the satisfaction of the mediator or if the mediator believes the *ADR* is no longer in the public interest.

58.7. A mediator must, as soon as practicable, notify the *Recommending Body* in writing if:

58.7.1. an *ADR* is terminated pursuant to section 58.6.;

58.7.2. a *Resolution Agreement* is agreed to by the *Parties*; or

58.7.3. the *ADR* is likely to go or has gone past 120 days, but the mediator recommends extension of up to an additional 60 days.

58.8. Within 15 days of receiving a *Resolution Agreement* from a mediator, the *Parties* must each:

58.8.1. accept the *Resolution Agreement*;

58.8.2. propose amendments to the *Resolution Agreement*; or

58.8.3. reject the *Resolution Agreement*.

58.9. The *Parties* must agree, in writing, to any amendments proposed pursuant to section 58.8.2. by the deadline specified by the mediator otherwise the *ADR* terminates.

58.10. A *Resolution Agreement* must include terms identifying:

58.10.1. that it is binding on the *Parties*;

58.10.2. that it cannot be appealed or reconsidered; and

58.10.3. any confidentiality clause.

58.11. If the *Parties* accept a *Resolution Agreement* the complaint is closed with the consent of the *Parties.*

58.12. A *Resolution Agreement* shall not be considered record of proceedings before the *Executive* or designated *Committee* under the *Act*, including section 15(5) of the *Act*, unless so designated by court order.

58.13. Upon termination of *ADR* without a *Resolution Agreement*:

58.13.1. if the Investigation Committee is the *Recommending Body*, it shall:

58.13.1.1. establish an *Investigation Panel* to investigate the complaint;

58.13.1.2. inform the *Parties* of the referral of the complaint to an *Investigation Panel* within 15 days of its decision to do so;

58.13.2. if the extant *Investigation Pane*l is the *Recommending Body*, it shall:

58.13.2.1. reopen its investigation of the complaint;

58.13.2.2. inform the *Parties* of the commencement of the reopening of the investigation within 15 days of its decision to do so.

58.14. If the *Association* receives and proceeds with a subsequent complaint about a *Respondent* who is a party to an approved *Resolution Agreement*:

58.14.1. the *Resolution Agreement* shall not be raised by any party in proceedings or considered in any discipline hearing through to verdict, if applicable; and

58.14.2. after a verdict and during consideration of the discipline to be imposed, an *Investigation Panel* may consider whether the verdict contravenes any terms or conditions of the *Resolution Agreement*.

59. Investigation Panel Decision

59.1. After reviewing all available material related to the complaint, an *Investigation Panel* may:

59.1.1. determine the complaint is not substantiated and close all or part of the complaint;

59.1.2. issue a letter of caution to a *Respondent*;

59.1.3. propose a consent order to a *Respondent* pursuant to section 60;

59.1.4. recommend to the Investigation Committee that a citation be *Served* on a *Respondent* pursuant to section 61; or

59.1.5. take another course of action that is consistent with the *Act* and *Bylaws*.

59.2. An *Investigation Panel* cannot propose that the *Parties* resolve a complaint through *ADR* after making a decision pursuant to section 59.1.

59.3. An *Investigation Panel* must provide *Written Notice* to the *Parties* of its decision pursuant to section 59.1 within 60 days.

60. Investigation Panel Consent Orders

60.1. An *Investigation Panel* may propose, in writing, to a *Respondent* who is the subject of an investigation, that a consent order be made to resolve one or more matters that may otherwise be dealt with through a citation and discipline hearing.

60.2. A consent order proposed by an *Investigation Panel* may require a *Respondent* to do one or more of the following:

60.2.1. make one or more admissions in relation to the complaint;

60.2.2. undertake not to repeat the conduct related to the complaint;

60.2.3. apologize to the *Complainant*;

60.2.4. consent to a reprimand;

60.2.5. consent to pay a monetary penalty;

60.2.6. complete education or examinations specified by the *Investigation Panel*;

60.2.7. pay all or part of the *Association's* costs related to the investigation of the complaint; or

60.2.8. take another action or satisfy another term or condition that is consistent with the *Act* and *Bylaws*.

60.3. A consent order must be agreed to, in writing, by the *Respondent* and *Investigation Panel*.

60.4. If a *Respondent* rejects a consent order proposed by an *Investigation Panel*, the *Investigation Panel* may recommend that a citation a be issued pursuant to section 61.

60.5. Where a consent order is agreed upon between the *Respondent* and the *Investigation Panel*, the *Investigation Pane*l shall, within 15 days, notify the *Complainant* that the matter has been

resolved by way of a consent order, and may provide a copy of the consent order if the *Respondent* agrees to such disclosure.

60.6. A *Respondent* must comply with the terms and conditions of a consent order.

60.7. If a *Respondent* fails to comply with one or more terms or conditions of a consent order, the Investigation Committee may determine whether suspension of the *Respondent's* membership is warranted and, if so, must direct the *Registrar* to suspend the *Respondent*'s membership.

60.8. If a *Respondent's* membership is suspended pursuant to section 60.7, the *Respondent*:

60.8.1. is not eligible to apply for reinstatement until all outstanding terms and conditions of the consent order have been fully satisfied; and

60.8.2. must, upon applying for reinstatement, comply with all applicable reinstatement requirements, including payment of any outstanding dues, fees, fines, or other amounts owing to the *Association*.

60.9. Amendments to an existing consent order made by an *Investigation Panel* may originate by way of application from the *Respondent* to the Investigation Committee or proposal from the Investigation Committee.

60.10. A consent order may be amended if the *Respondent* and Investigation Committee agree to the proposed amendments in writing.

60.11. Where a consent order is amended, the Investigation Committee shall, within 15 days, notify the *Complainant* that the consent order has been amended, and may provide a copy of the amended consent order if the *Respondent* agrees to such disclosure.

60.12. A consent order or amended consent order cannot be appealed.

61. Investigation Committee Citations

61.1. Upon receiving a recommendation from an *Investigation Panel* pursuant to section 59.1.4., the Investigation Committee must consider the recommendation and may issue a citation where it determines, on a balance of probabilities, that there are grounds to conclude, that the *Respondent*:

61.1.1. contravened the *Act* or the *Bylaws;*

61.1.2. failed to comply with a limit or condition imposed under the *Act*;

61.1.3. engaged in *Professional Misconduct*; and/or

61.1.4. demonstrated *Professional Incompetence*.

61.2. A citation issued by the Investigation Committee and *Served* on a *Respondent* must:

61.2.1. identify the allegations against the *Respondent*;

61.2.2. state the proposed date of the discipline hearing; and

61.2.3. include the evidence to be relied upon in the discipline hearing.

61.3. A discipline hearing must not be scheduled earlier than 60 days after service of the citation.

61.4. The chair of the Investigation Committee must:

61.4.1. *Serve* the citation on the *Respondent*; and

61.4.2. refer the citation to the Discipline Committee to conduct a discipline hearing pursuant to section 65.

Part 11 – Discipline and Penalties

62. Discipline Committee Duties

62.1. The Discipline Committee is and must fulfill the duties of a designated *Committee* pursuant to sections 13 and 14 of the *Act*.

62.2. The Discipline Committee may:

62.2.1. amend a citation pursuant to section 64;

62.2.2. conduct a discipline hearing pursuant to section 65;

62.2.3. defer a discipline hearing pursuant to section 66;

62.2.4. accept and issue a consent order pursuant to section 67;

62.2.5. make a disciplinary order pursuant to section 69; or

62.2.6. dismiss the citation.

62.3. The *Executive* may establish *Policy* related to the administration of discipline and penalties.

63. Discipline Committee Members

63.1. A member of the Discipline Committee must not be a member of the Investigation Committee.

63.2. A member of the Discipline Committee must not participate in the consideration of a citation if:

63.2.1. they were involved in the matter before the citation was issued;

63.2.2. they have or had a relationship with any of the *Parties*; or

63.2.3. they have a real or reasonably perceived conflict of interest.

63.3. A member of the Discipline Committee who is a member of the *Executive* shall not participate in the consideration of citation or discipline hearing if that member is one of the *Parties* or is, or may be, a witness to the complaint that gave rise to the citation or discipline hearing.

63.4. Quorum for the Discipline Committee requires the presence and participation of at least three (3) members at all times during the discipline hearing, including preparation, attendance at the hearing, deliberation, and decision making, and must include at least one *Public Representative*.

63.5. If a member of the Discipline Committee is unable to continue to participate in the discipline hearing for an exceptional reason, that member shall no longer sit on the Discipline Committee for that matter. If quorum is thereby compromised, a replacement Discipline Committee member shall be appointed in accordance with these *Bylaws.*

63.6. Where the chair of the Discipline Committee has a real or reasonably perceived conflict in respect of a citation, the vice-chair shall act as chair for that citation.

63.7. Where the vice-chair of the Discipline Committee also has a real or reasonably perceived conflict, the remaining members must select a temporary chair for that citation.

64. Amending a Citation

64.1. Before beginning a hearing on a citation, the Discipline Committee may amend the citation:

64.1.1. after giving the *Association* and *Respondent* a reasonable opportunity, commensurate with the substance of the amendment, to make written submissions regarding the proposed amendment; and

64.1.2. after *Written Notice* of the amendment, as made, is:

64.1.2.1. *Served* on the *Respondent*; and

64.1.2.2. sent to the *Association.*

64.2. Once a hearing has commenced, the Discipline Committee may only amend a citation after giving the *Association* and *Respondent* a reasonable opportunity, commensurate with the substance of the amendment, to make submissions on the amendment.

65. Discipline Hearings

65.1. The Discipline Committee shall direct whether a discipline hearing will proceed in-person, through *Electronic Means*, or through written submission.

65.2. The *Respondent* and *Association* may participate as parties to a discipline hearing and may be represented by legal counsel.

65.3. The Discipline Committee may require the parties to a discipline hearing to meet at a case conference before the hearing to discuss a matter related to the citation or hearing.

65.4. Evidence is not admissible at a discipline hearing unless, at least 15 days before the hearing, the party intending to introduce certain evidence or witnesses provides the other party with:

65.4.1. a copy of the document(s) to be introduced as evidence;

65.4.2. a description of other physical evidence and reasonable access to it ahead of the hearing;

65.4.3. in the case of expert testimony:

65.4.3.1. the name and qualifications of the expert;

65.4.3.2. a copy of any written report the expert has prepared respecting the matter including:

65.4.3.3. an undertaking to act as a neutral expert for the hearing and not as an advocate for either side;

65.4.3.4. any instructions given and assumptions made for the purposes of the report; and

65.4.3.5. a written summary of the evidence the expert will present at the hearing if the expert did not prepare a written report in respect of the matter; and

65.4.4. in the case of testimony of a witness who is not an expert, the name of that witness and a written outline of their anticipated evidence.

65.5. The Discipline Committee may receive and accept information that it considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law, provided that:

65.5.1. it may exclude anything unduly repetitious; and

65.5.2. nothing is admissible in a hearing that is inadmissible in a court because of a privilege under the law of evidence.

65.6. Information received by the Discipline Committee pursuant to section 65.5 is subject to all applicable enactments of B.C., or any judicial order, limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence.

65.7. Before or during a discipline hearing, the Discipline Committee may:

65.7.1. grant an adjournment of the hearing;

65.7.2. allow the introduction of evidence despite it not being provided in advance as required pursuant to section 65.4; or

65.7.3. make any other decisions or provide any direction that it considers appropriate, if it is satisfied that such decisions or direction are necessary to provide administrative fairness for parties to the hearing.

65.8. The Discipline Committee may conduct a discipline hearing in the absence of a party and make any order it could have made had the party attended, if all of the following apply:

65.8.1. the party failed to attend or remain in attendance at a discipline hearing, or at a reconvening of the hearing after a recess or adjournment;

65.8.2. the Discipline Committee took reasonable steps to schedule the hearing to reasonably enable the party to attend; and

65.8.3. there is proof that *Written Notice* of the hearing date was duly *Served* or sent as required for notice of the hearing in the *Bylaws*.

65.9. *Members* and former *Members* must promptly respond to an inquiry or comply with a request from the *Association* related to a citation or discipline hearing by any deadline established by the *Association*.

65.10. If a *Member* or former *Member* obstructs or fails to cooperate with a discipline hearing, the Discipline Committee may, at the conclusion of the proceeding, recommend to the Investigation Committee that the obstruction or failure to cooperate form the basis of a new complaint to be submitted to the *Association* by the Chair of the Investigation Committee.

66. Discipline Committee Deferral

66.1. Where the substance of a citation is already under consideration by a court, administrative tribunal, or other entity when it is referred to the Discipline Committee, the Discipline Committee may defer hearing the citation until the court, administrative tribunal or other entity issues its final decision.

66.2. Where the substance of a citation is submitted to a court, administrative tribunal, or other entity after the Discipline Committee has commenced consideration of the matter, the Discipline Committee may defer or suspend the discipline hearing.

67. Pre-Verdict Settlement – Consent Order

67.1. At any time before the commencement of a discipline hearing pursuant to section 65, the *Association* and the *Respondent* may jointly propose a consent order for the consideration of the Discipline Committee.

67.2. Any consent order proposed under section 67.1 shall follow the same terms, conditions, and requirements as set out in *Bylaws* 60.2 through 60.12 for consent orders issued by an *Investigation Panel*, with such changes as necessary to reflect that the consent order is being considered by the Discipline Committee rather than an *Investigation Panel*.

67.3. Any consent order proposed under section 67.1 may be amended if the *Respondent* and the *Association* agree to the proposed amendments in writing.

68. Discipline Committee Verdict

68.1. At the conclusion of a discipline hearing, the Discipline Committee may decide, on the balance of probabilities, that:

68.1.1. the citation was not substantiated; or

68.1.2. some or all of the charges in the citation are substantiated based on it making one or more findings pursuant to section 14(1) of the *Act*.

69. Verdict Reasons and Discipline Orders

69.1. The Discipline Committee shall make a written decision that is *Served* on the *Association* and *Respondent* no later than 60 days after the conclusion of the discipline hearing, which must include reasons for the verdict on each allegation in the citation.

69.2. Where the Discipline Committee makes a finding that is wholly or partly adverse to the *Respondent*, it shall invite written submissions from the *Association* and the *Respondent* on potential penalties within such reasonable deadlines as it may establish.

69.3. After considering submissions on penalty, the Discipline Committee shall issue a written discipline order setting out any penalties or remedies imposed.

69.4. In determining the appropriate penalties or remedies, the Discipline Committee must consider the following:

69.4.1. any previous consent orders or discipline orders against the *Respondent*;

69.4.2. the gravity and magnitude of the conduct giving rise to the findings;

69.4.3. whether the conduct was repeated or continuous;

69.4.4. whether the conduct was deliberate;

69.4.5. any economic benefit that the *Respondent* derived from the conduct giving rise to the findings;

69.4.6. costs of the investigation and hearing;

69.4.7. any efforts that the *Respondent* made to correct or mitigate the impact of the conduct giving rise to the findings; and

69.4.8. any other information presented by the *Association* or *Respondent.*

69.5. The Discipline Committe*e* may impose a discipline order arising from a verdict that is wholly or partly adverse to a *Respondent*, who is a *Member,* that:

69.5.1. requires the *Respondent* to apologize, in writing, to the *Complainant*;

69.5.2. reprimands the *Respondent***;**

69.5.3. requires the *Respondent* to complete specified education, training or exams;

69.5.4. revokes, suspends, or imposes terms, conditions or limits on:

69.5.4.1. the membership of the *Respondent*;

69.5.4.2. any designation or certifications that the *Respondent* has been issued by the *Association*; or

69.5.4.3. the reinstatement of membership, certifications, or designations issued by the *Association* and were previously held by the *Respondent*;

69.5.5. imposes a fine not exceeding the maximum monetary penalty established pursuant to section 70.1. that the *Respondent* must pay to the *Association*;

69.5.6. requires the *Respondent* to reimburse the *Association* some or all of the costs it incurred as a result of the investigation and/or discipline hearings; and/or

69.5.7. requires the *Respondent* to complete any other undertaking or satisfy any other requirement established by the Discipline Committee and is consistent with the *Act* and the *Bylaws*.

69.6. The Discipline Committee may impose a discipline order arising from a verdict that is wholly or partly adverse to a *Respondent,* who is a former *Member,* that:

69.6.1. reprimands the *Respondent;*

69.6.2. imposes limitations or conditions respecting the reinstatement of the *Respondent's* membership;

69.6.3. imposes a fine not exceeding the maximum monetary penalty established pursuant to section 70.1. that the *Respondent* must pay to the *Association*; and/or

69.6.4. requires the *Respondent* to reimburse the *Association* some or all of the costs it incurred as a result of the investigation and/or discipline hearings.

69.7. No later than 60 days after the conclusion of the discipline hearing, if the verdict is adverse to the *Respondent*, the Discipline Committee shall send the written disciplinary order to the *Respondent* and *Association* that specifies the discipline penalty or penalties and any deadlines for compliance with the terms or conditions imposed on the *Respondent.*

69.7.1. If the disciplinary order revokes, suspends, or imposes limitations or conditions on the membership, certification, or designation of a *Respondent*, the disciplinary order takes effect when the time to appeal the order under section 15 *Act* has expired without an appeal being taken, or if taken, the appeal has been heard and decided or been abandoned.

70. Monetary Penalty and Costs

70.1. The Discipline Committee may make a discipline order that imposes a fine on a *Respondent* in an amount:

70.1.1. not exceeding $5,000 if the *Respondent* has no prior disciplinary record with the *Association*; or

70.1.2. not exceeding $10,000 for a *Respondent* who has a disciplinary record with the *Association*.

70.2. A discipline order that imposes a fine must specify the date by which a *Respondent* must pay the monetary penalty.

70.3. The Discipline Committee may make a discipline order requiring a *Respondent* to pay all or part of the costs associated with an investigation and discipline hearing, with such costs to be assessed in accordance with *Policy*.

70.4. The Discipline Committee may order the *Association* to pay all or part of a *Respondent's* costs incurred in preparing for or defending a discipline hearing where the Committee determines the proceeding was unwarranted, frivolous, or an abuse of process, or where exceptional circumstances justify such an award, with any costs to be assessed in accordance with *Policy*.

71. Discipline Reporting

71.1. The *Registrar* may distribute a summary of any decision made by the Discipline Committee and may include commentary about related professional standards, requirements, policies or guidelines for the purposes of educating *Members* about the roles and functions of the Discipline Committee, ethical or professional obligations, and other matters.

72. Compliance Monitoring

72.1. The *Registrar* may monitor the compliance of *Respondents* to *Resolution Agreements*, consent orders and disciplinary orders.

72.2. The *Registrar* may refer to the Investigation Committee any apparent contravention of:

72.2.1. a *Resolution Agreement* made pursuant to section 58;

72.2.2. a consent order made pursuant to sections 60 or 67; or

72.2.3. a disciplinary order made pursuant to section 69, including non payment of any monetary penalties or costs imposed pursuant to section 70.

72.3. Based on information received by the *Registrar* under section 72.2, the Investigation Committee shall determine whether one or more of the following actions are warranted and, if so, take such action:

72.3.1. investigation of the contravention as a new complaint;

72.3.2. in the case of a consent order, determining whether suspension of the *Respondent's* membership is warranted and, if so, directing the *Registrar* to suspend the *Respondent's* membership pursuant to section 60.7; or

72.3.3. and in the case of a disciplinary order, taking enforcement action in accordance with the *Act* and these *Bylaws*.

Part 12 – Amending the Bylaws

73. Reviewing the Bylaws

73.1. The *Executive* must review the *Bylaws* every three years.

73.2. *Members* must be provided with a reasonable opportunity to provide input where the *Executive* conducts a review pursuant to section 73.1.

74. Amending the Bylaws

74.1. The *Executive* must send *Written Notice* to all *Members* of the proposed changes and text at least 30 days before the *Members' Meeting* at which a *Bylaw* amendment or repeal will be considered.

74.2. *An* amendment of a *Bylaw* or the repeal of a *Bylaw* does not take effect until it is approved by at least 75% of *Eligible Members* at a *Members' Meeting*.

Part 13 – Transition

75. Repeal of the Previous Bylaws

75.1. The *Previous Bylaws* are repealed on the coming into force of these *Bylaws*.

75.2. The repeal of the *Previous Bylaws* does not affect the validity of anything done, approved, or established under the *Previous Bylaws* before their repeal.

76. Existing Members

76.1. A *Person* who was a *Member In Good Standing* under the *Previous Bylaws* continues as a *Member* in the corresponding category under these *Bylaws*, subject to the same rights, privileges, and obligations, until their status changes in accordance with these *Bylaws*.

76.2. A *Person* who was an *Associate 1*, *2* or *3 Member In Good Standing* under the *Previous Bylaws*, is an *Associate Member* pursuant to section 14 of these *Bylaws*.

77. Existing Designations and Certifications

77.1. A *Person* who held certification(s) as a *Building Official* or *Plumbing Official* under the *Previous Bylaws* continues to hold that certification(s) pursuant to Part 4 of these *Bylaws*.

77.2. A *Person* who held the *RBO* or *BCQ* designation under the *Previous Bylaws* continues to hold that designation pursuant to Part 4 of these *Bylaws*.

78. Membership Dues and Fees

78.1. Any *Membership Dues* or fees that were established under the *Previous Bylaws* are valid and in-force under these *Bylaws*.

78.2. Any *Membership Dues* or fees owed to the *Association* by a *Member* or former *Member* under the *Previous Bylaws* are still owed to the *Association* under these *Bylaws*.

78.3. A *Member* who failed to pay *Membership Dues* for the 2026/2027 fiscal year prior to the coming into force of these *Bylaws* shall have their *Membership Dues*, status, and any consequences of non-payment determined in accordance with the *Previous Bylaws*, including that membership shall be cancelled if dues remain unpaid for six (6) months after the applicable deadline.

79. Executive Committee

79.1. Calculation of total terms as *President* and consecutive terms as an *Executive Member* shall not include service on the *Executive* under the *Previous Bylaws*, and shall commence upon the coming into force of these *Bylaws*.

80. Complaints and Discipline

80.1. Any complaint investigation authorized by the Complaints Committee under the *Previous Bylaws* before the coming into force of these *Bylaws* may be continued and completed by the Complaints Committee, which may exercise the powers and perform the duties established under the *Previous Bylaws* until it makes a determination under section 34(4) of the *Previous Bylaws*.

80.2. If, following an investigation concluded under section 80.1, the Complaints Committee determines that a matter should be referred, in whole or in part, to the Discipline Committee, the matter must be dealt with in accordance with these *Bylaws*, and the Complaints Committee may *Serve* a citation on the *Respondent* pursuant to section 61.

81. Effective Date

81.1. These *Bylaws* come into force on November 1, 2026.