

NATIONAL HOME INSPECTOR CERTIFICATION COUNCIL

PROFESSIONAL PRACTICES / FORMS

OVERVIEW

When a complaint is received at the NHICC, the complaint is forwarded to the appropriate Professional Practices Chair and/or President (in the case of absence); the Chair must do one of the following:

1. Verify that the complaint is against a member (registrant) of the NHICC;
2. Dismiss the complaint if it is not within the jurisdiction of the NHICC, cannot be substantiated, is frivolous or vexatious, constitutes an abuse of process, or does not contain allegations that if proven would amount to professional misconduct, incompetence, incapacity or conduct unbecoming, or would merit a counsel or a caution;
3. Informally resolve the complaint if it can be satisfactorily resolved consistent with the objects of Code of Ethics and/or Standards of Practice of the NHICC;
4. Authorize the resignation or appropriate action of the member at the request of the member;
5. Refer the matter to the Professional Practices Committee if the member meets the criteria for such referral; or
6. Send the complaint to an investigator or review committee for investigation.

JURISDICTION & ABUSE OF PROCESS

Note: If you have a complaint or concern about a specific Home Inspector you “must” initially discuss your concerns directly with the Home Inspector first, as this is usually the quickest way to resolve issues. In addition, please be aware the complaints process may take weeks or even several months depending on the complexity and severity of the complaint.

The NHICC does not have the authority to handle complaints against a Home Inspector where the issue is outside of its’ “direct” authority. A case in point: a Home Inspector that holds membership in other associations to which the Home Inspector belongs, or where the matter is before the courts is an issue that requires care, caution and fairness in permitting the process to be resolved.

As a general principle, it is considered to be an abuse of process in our judicial and administrative law systems for a party who has been unsuccessful in a proceeding in one forum, to attempt to re-litigate the same facts in order to seek the same relief in a different forum. The legal maxim "res judicata" (which, roughly translated, means "the matter has already been decided") applies to this situation. Source: Section 45.1 of the Human Rights Code

AMMENDED – COMPLAINT HANDLING & DISPUTE RESOLUTION PROCESS

Complaints may be completed on the NHICC Standard Complaint Form or by detailed information as listed below in the key data elements.

Regardless of the nature of the complaint, all issues falling within an NHICC’s mandate is recorded in a complaint tracking system. The NHICC will include all written, verbal and electronic complaints in their system. The complaint tracking system will require the complainant to complete and provide the following key data elements for the file record: (Please complete forms on pages 3 through 6.)

1. Consumer Name

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2. Consumer Home Phone
3. Consumer Email address
4. Consumer Street Address
5. Consumer City, Province Fax
6. Consumer Postal Code
7. Business Name
8. Home inspector Name
9. Home inspector licence #
10. Home inspector Phone
11. Home inspector Email Address
12. Home inspector Street Address
13. Home inspector City, Province Fax
14. Home inspector Postal Code
15. Home inspector Website
16. Description of product or service purchased
17. Date of home inspection
18. Was a contract provided?
19. Was a report provided?
20. Copy of the report provided to the NHICC
21. Amount of contract / purchase
22. Brief description of the problem encountered
23. The outcome sought?
24. The nature of any alleged infraction including any potential parallel civil or criminal actions.

REVIEW OF THE COMPLAINT

The initial review of complaint will document answers to the following questions:

1. Is the nature of the complaint/allegation clear?
2. Is more information required from the complainant?
3. Is the nature of the complaint/allegation a violation of the NHICC's Standards of Practice?
4. Is the nature of the complaint/allegation a violation of the NHICC's Code of Ethics?
5. Is the allegation/complaint outside the jurisdiction of the NHICC? And if so, why?
6. Should the complaint/allegation be reported to a different association and/or authority?
7. Is the home inspector aware of the complaint/allegation?

ACCEPTANCE OR DISMISSAL

All complaints are assigned a unique file number and identifier. A decision to accept or dismiss the complaint will only be made when all relevant information is received by the NHICC.

The following specific criteria will also be considered to further assist in determining whether to accept or dismiss a consumer complaint.

1. The age of the complaint information
2. The reliability of the information
3. The practicality of the investigation
4. The gravity of the allegation

All decisions to dismiss consumer complaints will be in provided written electronic format and communicated to the complainant and home inspector. All decisions to dismiss consumer

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complaints will be independently reviewed by the NHICC Professional Practice Committee or designate for completeness and correctness.

INVESTIGATION

The NHICC Professional Practice Committee investigators have the authority to act independently of any other NHICC process. Investigators are trained in basic interview skills and investigative report writing.

1. All complaints accepted are assigned to investigator(s) in a timely manner;
2. All activity related to the investigation will be documented by the investigator(s) in the complaint tracking system;
3. All items and information gathered during the investigation will be copied into the complaint tracking system and archived for security;
4. All final investigative reports will be in writing and available to both the home inspector and to the complainant;
5. Where an investigation is concluded with no further action, the reasons for this decision will be documented and communicated to both the home inspector and the complainant.

Hearings and Imposition of Administrative Sanctions including Discipline or Membership Suspension/Cancellation

The NHICC advocates principles of administrative fairness and natural justice require all decision making bodies to be free from bias and have the authority to act on the matter(s) before them. The NHICC adheres to a clearly defined governance authority matrix that details who is empowered to investigate consumer complaints and conduct hearings into breaches of the Standards of Practice or Code of Ethics for the NHICC.

Consumer Protection requires that designated associations and authorities do the following while conducting hearings that lead to some form of sanction:

1. All investigative reports will be forwarded to the appropriate decision maker when completed;
2. Prior to taking an action, a decision maker will release the investigative report to the home inspector so they may know the case against them and have an opportunity to respond to the information in the report;
3. Hearings may be conducted in person or through written and/or electronic submissions;
4. Following the hearing process, the decision maker will produce written reasons and conclusions including any sanctions which are then provided to the home inspector and to the complainant;
5. All decisions will include information related to the NHICC appeal process and its requirements;
6. All appeals will be heard by an independent decision maker committee and follow the same criteria for written reasons and documentation as required in the original investigative/decision making process;
7. Any sanction or other penalty imposed by the NHICC on a home inspector will be documented and reviewed prior to the hearing and complaint file completion.

MONTHLY REPORTING

At the end of each month, the NHICC will specifically provide Consumer Protection BC with a report detailing the current status of all complaints received either directly from consumers, or referred from Consumer Protection BC. This report will be in summary form, preferably in an MS Excel or related format, that details the information for each complaint received including:

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1. The complaint number (and associated Consumer Protection BC file number if assigned from CPBC);
2. The consumer name;
3. The business and home inspector names;
4. The date the complaint was opened;
5. The date the complaint was last reviewed;
6. The date the complaint was closed (if applicable);
7. A summary of the complaint;
8. The outcome of the complaint including any disciplinary action, hearings etc.

This updated process will also be performed as part of internal review process to ensure that all possible violations of the legislation or breach of practice standards, contractual obligations or code of ethics, once detected, is managed in accordance with the association complaint handling system. This provides clarity on the nature, number, response and outcome of each incident that occurs.

Ultimately, the data gathered through this updated development of complaint handling work processes enables Consumer Protection BC and the NHICC to more clearly understand the issues affecting consumers in the marketplace, and how the NHICC is working to resolve these issues as fairly and effectively as possible.

NHICC COMPLAINT FORM - A

To the Professional Practice Committee:

The complaint tracking system will require the complainant to complete and provide the following key data elements for the file record:

1. Consumer Name:
2. Consumer Home Phone:
3. Consumer Email address:
4. Consumer Street Address:
5. Consumer City, Province Fax:
6. Consumer Postal Code:
7. Business Name:
8. Home inspector Name:
9. Home inspector licence # (if applicable)
10. Home inspector Phone:
11. Home inspector Email Address:
12. Home inspector Street Address:
13. Home inspector City, Province Fax:

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14. Home inspector Postal Code:
15. Home inspector Website:
16. Description of product or service purchased:
17. Date of home inspection:
18. Was a contract provided?
19. Was a report provided?
20. Copy of the report provided to the NHICC:
21. Amount of contract / purchase:
22. Brief description of the problem encountered:

23. The outcome sought?

24. The nature of any alleged infraction including any potential parallel civil or criminal actions.

I/we declare that to the best of my/our knowledge and belief, my/our allegations in this complaint are true. **Type your name here** -

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Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before any other governance body to which the named defendant is similarly charged?

Please respond with either Yes or No:

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of Home Inspectors?

Please respond with either Yes or No:

If so, name of other association(s):

Date(s) filed:

Note that it is up to the complainant to provide “documentation” and valid evidence to substantiate proof of the complaint. Complaints cannot be handled without documentation to review, validate or prove reasonable grounds for determining the merits of the complaint.

(Continued below)

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Further pages or additional documentation must be included with this complaint. Please list additional documents provided:

Furthermore, I understand that should the "Committee" dismiss this complaint in part or in total, that I have twenty (20) days from receipt of the dismissal notice to appeal the dismissal to an independent review by committee. Appeals must be accompanied by a fee of \$300 that may or may not be refundable, depending upon the outcomes and findings.

COMPLAINANT(S):

Type/Print Phone Signature

Type/Print Phone Signature

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Type/Print Phone Signature

Address

Best means of contacting you:

Mail or email this complaint to NHICC:

NHICC Head Office/Siege Social
P.O. Box 22028
Windsor ON, N8N 5G6
Email: info@nationalhomeinspector.org

Further details' regarding professional practices is referenced in Policy # 50 through # 59 in the NHICC Policy Manual. A brief overview is provided below.

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Launching a Complaint

The criterion for filing a complaint with the NHICC is structured in such a manner that facilitates fairness, respect and expediency, throughout the resolution process. Following the prescribed steps to a successful submission, investigation and resolution of a matter is required. Complaints may be filed by either the general public or Certificate Holder registered with the NHICC practicing home inspectors from all regions of Canada.

Face to Face Resolution

- 1) Before a complaint is filed with the NHICC every attempt **MUST** be exercised by the Complainant to find resolution of the matter with the inspector involved.
- 2) Keep records of communications including dates and times of attempts to resolve issues.
- 3) The Inspector has an obligation to the client to assist in reaching a resolution and is expected to exercise that obligation in a timely manner.

When Face to Face Resolution Fails

When all attempts to resolve an issue have been unsuccessful, filing a complaint with the NHICC is likely the last resort. The NHICC's mandate focuses on investigating complaints related to conduct and competence of NCH inspectors, and other matters related to professional practices. This mandate does not include mediation of individual complaints, imposing settlements, or assisting in civil proceedings.

The following steps are to be adhered to in order to initiate an investigation into a matter:

- 1) Download and complete the complaint form.
- 2) Carefully read and understand the form before it is filled out.
- 3) Fill out the form as instructed providing all the necessary evidence to support your claim(s). Remember, it is your responsibility to provide all pertinent evidence to initiate the investigation and expedite a resolution.
- 4) Submit all applicable documentation as instructed. Faxed evidence will be accepted under certain circumstances. Emailed evidence will also be accepted.

Periodic Notifications

The NHICC acknowledges complaints as they are received. Once received, periodic notices are sent to you as a courtesy throughout the resolution process in an effort to keep you up to date with the progress.