



Safety Standards  
Appeal Board –  
Annual Report April  
1, 2023 to March 31,  
2024

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## Message from the Chair

I am pleased to submit the Annual Report for 2023/24.

I started the year as Acting Chair. My appointment as Chair was confirmed in November 2023 and I write now in that capacity.

This year we welcomed a new deputy registrar who has become an integral and important part of our team. Our work still has not returned to pre-Covid level but there has been an uptick in appeals accepted.

We are grateful for the assistance that we receive from the Attorney General. This has included training opportunities and useful materials. We look forward to implementing best practices and service standards going forward to provide the highest level of service to our stakeholders and the public.

I am saddened to write that our Vice-Chair, David Martin, LLB passed away suddenly in July of 2024. David had been with the Board since March 2018 as a member and more recently as Vice-Chair. David was a dedicated member of the Board, and his sage advice, good humour and comradery will be missed.

Maureen Baird, K.C.  
Chair

## Introduction

This report outlines the activities of the Safety Standards Appeal Board from April 1, 2023, to March 31, 2024, its expectations for the coming year, and its ongoing administrative and legislative commitments.

## Background

The Safety Standards Appeal Board is an adjudicative tribunal established under section 43 of the *Safety Standards Act* and is responsible for administering provisions of the *Safety Standards Act*, the *Homeowner Protection Act* and the *Building Act*. Currently, the Board hears appeals of administrative decisions made by Technical Safety BC (formerly the British Columbia Safety Authority) and BC Housing – Licensing and Consumer Services (formerly the Homeowner Protection Office) as well as appeals under part 5 of the *Building Act* relating to the issuance of administrative penalties issued under the *Building Act*.

The Board's purpose is to resolve appeals from decisions made under the *Safety Standards Act*, the *Homeowner Protection Act*, and Part 5 of the *Building Act* to determine if the decisions were fairly made in accordance with the provisions of the legislation and the principles of natural justice.

The Board's objective is to carry out its work in a just, consistent, timely and cost-efficient manner.

When hearing appeals under the *Safety Standards Act* the Board must at all times consider the maintenance and enhancement of public safety as set out in section 52(1) of the Act. When hearing appeals under the *Homeowner Protection Act* the Board must at all times consider the relevant purposes of the Act, which are as follows:

- a. to strengthen consumer protection for buyers of new homes,
- b. to improve the quality of residential construction, and
- c. to support research and education respecting residential construction in British Columbia.

When hearing appeals under the *Building Act* the Board's role is to determine whether the Registrar designated in the Act has acted appropriately in leveling the administrative penalty in question.

The Board operates at arms-length from government in its adjudicative role and independently of the regulatory authorities responsible for administrative decisions which may be appealed to the Board.

The Board recognizes the principle that decisions of administrative tribunals must be made, and must be seen to be made, independently and impartially. Independence requires that Board members are able to reach decisions in the matters before them based solely upon the merits of

the appeal and the applicable law. Impartiality means that the Board acts without bias, either actual or perceived.

The principles of impartiality and independence exist within a broader framework of public accountability. During the 2023/24 fiscal year, the Board, through the Chair, reported directly to and was accountable to the Attorney General for effective Board management, operations and service delivery.

## The Board

### Membership

The Safety Standards Appeal Board functions with a part-time Chair and four part-time members who are appointed via a Ministerial Order process by the Ministry of the Attorney General. This fiscal year Jeffrey Hand's Chair appointment concluded on May 23, 2023, prior to the Ministerial Order 387's (M387) expiration date of November 20, 2024. Maureen Baird K.C. was appointed as Acting Chair on May 26, 2023, through to November 26, 2023, and then appointed as Chair for a term ending November 26, 2026. In addition, David Martin was appointed as Vice Chair for a term ending February 23, 2027. Sadly, our Vice-Chair, David Martin, LLB passed away suddenly in July of 2024.

The following Board members served during the fiscal 2023/2024 year:

<b>Name</b>	<b>Position</b>	<b>Start Date for Original Appointment</b>	<b>Start Date for Current Appointment</b>	<b>Expiry of Current Appointment</b>
Maureen Baird	Chair	May 15, 2019	November 26, 2023	November 26, 2026
David Martin	Vice-Chair	March 1, 2018	February 23, 2024	February 23, 2027
Ted Simmons	Member	May 1, 2004	December 31, 2021	December 31, 2024
Tim Haaf	Member	May 1, 2004	December 31, 2021	December 31, 2024
Terrance (Terry) D. Bergen	Member	March 5, 2014	March 5, 2020	March 05, 2025
Jeffrey Hand	Chair	March 5, 2014	November 20, 2021	November 20, 2024

Biographical information on the current Board Members is set out in Appendix 1.

## Board Staff

In June 2023 the Safety Standards Appeal Board hired a Deputy Registrar replacing the former role of the full-time long serving Registrar at the Board. In an effort to support the province's smaller tribunals within the sector and to assist with the transition of the full-time Registrar retiring, the Deputy Registrar was hired to support the business administration and operations of the Building Code Appeal Board (BCAB), Safety Standards Appeal Board (SSAB), Surface Rights Board (SRB) and Property Assessment Appeal Board (PAAB). Except for PAAB each of these Boards receives a small volume of appeals each year and due to the part time as and when needed nature of each of these Boards, the Tribunal sector implemented this role to work across the Board cluster. Clients communicate directly with the Board through the Deputy Registrar via email, toll-free phone, or fax.

The Deputy Registrar also acts as an executive and administrative assistant for the Chair and other Board members as needed.

## Report on Performance

### Appeal Activity

The following table sets out the status of appeals filed during the current and preceding four reporting periods:

<b>Activity</b>	<b>2023/2024</b>	<b>2022/2023</b>	<b>2021/2022</b>	<b>2020/2021</b>	<b>2019/2020</b>
New appeals filed	2	1	7	14	23
Carry over from earlier years	0	0	3	0	6
Total appeal workload	2	1	10	14	29
Appeals completed during the year	0	1	8	11	28
Number of appeals resolved without a hearing	0	0	2	3	21
Appeals concluded by written submissions	0	1	6	13	14
Appeals concluded by oral hearing	0	0	0	9	0

Appeals concluded with oral teleconference component	0	0	0	1	22
Average total days (start to finish)	0	77	74	85	71
Appeals carried over to next reporting period	0	0	2	3	1
Number of appeals resolved by one member panel	0	1	5	8	27
Number of appeals resolved by three-person panel	0	0	1	1	0
Number of decisions subject to Judicial Review	0	0	0	3	2

As illustrated in the above table, the Board received 2 new appeals, which is an increase from previous years. These appeals are still in progress.

The Board will continue to make effective use of the Appeal Management Process and Settlement Conferences as methods of encouraging parties to reach agreement on their disputes without the need for the Board to render a decision.

## Analysis of Appeals

### Volume

The volume of new appeals this year has increased compared to fiscal 2022/2023, however it has not returned to the average over the past 5 years. COVID-19 continues to impact the extent to which Technical Safety BC and BC Housing conduct their enforcement measures. It is likely that reduced enforcement activity will translate into fewer appeals since appeals generally arise from enforcement steps.

It remains to be seen when, and to what extent, appeal volumes will return to pre-pandemic level.

## Type

The Board conducted one appeal management conference under the *Safety Standards Act*. The Board did not hear any appeals under the *Homeowner Protection Act* or the *Building Act*.

## Quality of Resolutions

It is difficult to measure the quality of the resolutions of the issues in appeals filed with the Board. It is assumed that when parties reach a settlement prior to adjudication that both parties are mutually satisfied with the resolution as settlement is only reached when each party consents to the final resolution of the dispute. There were no judicial reviews taken from Board decisions during the year.

There were no formal complaints filed with any other oversight body such as the Ombudsperson or Privacy Commissioner.

## Board Rules and Policies

The Board continually reviews and updates its Rules of Practice and Procedure and its Guidelines. The hope is that the revisions to the Rules of Practice and Procedure will facilitate increased settlement rates and shortened time frames for the rendering of Board decisions when appeals do not settle and proceed to hearing and facilitate increased access to justice by making the Board more user-friendly.

## Board Appointments and Renewal Processes

At the conclusion of fiscal year 2023/24, the Board had a total of five members, including the Chair.

The Chair did not make any appointments to the Board pursuant to section 6 of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45 this fiscal year.

## Board Finances

The Board's budget for this fiscal period was \$126,000. There are two detailed tables below outlining the expenditures of the Board. Table 1.1 identifies the actuals and variances minus the associated shared costs of the Deputy Registrar role for the fourth quarter. Table 1.2 reflects the adjusted actuals and variances of the shared costs of the Deputy Registrar role for the fourth quarter of 2024, as these costs were transferred after fiscal year end cut-off.

Table 1.1 reflects the Board was under budget by \$23,849.85. Table 1.2 reflects the Board was under budget by \$36,535.41. These figures are primarily a result of the following factors: adjusting to the sharing of costs of the Deputy Registrar and an overall case volume increase. The Board's mid-year financial review resulted in funds being removed from its budget (reallocated to budgets of other Boards in the Independent Board and Tribunal Sector).



**Table 1.1**

<b>Expenditure Type</b>	<b>Budget</b>	<b>Actuals</b>	<b>Variance</b>
Salaries*	\$85,000	\$60,270.80	\$24,729.20
Benefits*	\$22,000	\$15,308.55	\$6,691.45
Board Member fees and expenses	\$55,000	\$23,684.68	\$31,315.32
Information systems	\$2,000.00	\$1,529.82	\$470.18
Office and business	\$2,000.00	\$21.60	\$1,978.40
Legal & Professional Support Services & Travel	\$2,000	\$665.65	\$1,334.35
<b>TOTAL</b>	<b>168,000</b>		
Reallocation + Contingency Access	-\$42,000		
<b>Total Expenditures</b>	<b>\$126,000</b>	<b>\$101,481.10</b>	<b>\$66,518.90</b>

\*Actuals and Variances that do not include the associated shared costs of the Deputy Registrar administrative role for the fourth quarter of FYE 2024.

\*\*Mid-year finance review resulted in additional reallocated funds (from budgets of other Boards in the Independent Board and Tribunal Sector) to cover increased costs associated with the addition of the Deputy Registrar role, the onboarding of new Board members, associated training, and overall case volume increase

**Table 1.2**

<b>Expenditure Type</b>	<b>Budget</b>	<b>Adjusted Actuals</b>	<b>Adjusted Variance</b>
Salaries*	\$85,000	\$50,194.36	\$34,805.64
Benefits*	\$22,000	\$12,749.13	\$9,250.87
Board Member fees and expenses	\$55,000	\$23,684.68	\$31,315.32
Information systems	\$2,000.00	\$1,949.17	\$50.83

Office and business	\$2,000.00	\$221.60	\$1,778.40
Legal & Professional Support Services & Travel	\$2,000	\$665.65	\$1,334.40
TOTAL	168,000		
Reallocation + Contingency Access	-\$42,000		
<b>Total Expenditures</b>	<b>\$126,000</b>	<b>\$89,464.59</b>	<b>\$78,535.46</b>

\*Adjusted Actuals and Variances that include associated shared costs of the Deputy Registrar administrative role for the fourth quarter of FYE 2024.

\*\*Mid-year finance review resulted in additional reallocated funds (from budgets of other Boards in the Independent Board and Tribunal Sector) to cover increased costs associated with the addition of the Deputy Registrar role, the onboarding of new Board members, associated training, and overall case volume increase

Board expenditures were under budget. This was due to the sharing of costs for administrative support (Deputy Registrar position) a decrease in appeal volume and decreased need for hearings, as well as the ongoing impacts of COVID-19.

## Statutory Reporting and Compliance

The operation and financial management of the board meets the standards of the *Financial Administration Act*, RSBC 1996, c. 148.

The Board is in full compliance with Treasury Board Directive 1/20 and its recent successor 1/24.

The Board received no complaints about its operations or the conduct of its members or staff.

The Chair will continue to monitor all performance indicators and will monitor any and all service complaints and will report immediately to the Minister if there are any signs that the Board's services are being negatively affected.

## Case Management System

The Board continues to operate without a proper case management system. The current case management system consists of a secure excel spreadsheet that is regularly updated and cross-referenced with the Deputy Registrar and Chair's notes. Budgetary constraints prevent investing in something more suitable for the task at hand. Having a case management system would allow the Board to more easily and accurately manage appeals as well as the performance indicators required for reporting on the status and efficiency of the Board.

## **Website**

The Board continues to maintain its own website on the gov.bc.ca platform at [www.gov.bc.ca/safetystandardsappealboard](http://www.gov.bc.ca/safetystandardsappealboard). The Board plans to implement search functionality with respect to its published decisions.

## **Budget**

The Chair will continue to monitor indicators and will report monthly to the appropriate ministry to ensure that funds are appropriately allocated, and the Board is able to continue optimal operations.

## Appendix 1

### **Maureen Elizabeth Baird - Chair**

Maureen Baird, K.C. is Senior Counsel at Fraser Litigation Group and has practiced law in British Columbia for over 30 years. Ms. Baird's expertise involves advising regulatory and administrative tribunals on governance and hearing issues. Active in her community, she is currently serving on a number of tribunals including the Environmental Appeal Board and the Civil Resolution Tribunal. Ms. Baird is Legal Member and Chair of the Mental Health Review Board. She is a member of the Discipline Committees of the College of Physicians and Surgeons of British Columbia and the College of Veterinary Surgeons of British Columbia. Ms. Baird also is Arbitration Committees of the Federal Pipeline Arbitration Secretariat. She is an Accredited as a Family Law Mediator from the Law Society of British Columbia. Ms. Baird also holds a Certificate in Mediation from Harvard University, Bachelor of Laws from the University of Toronto, and a Bachelor of Commerce from the University of Toronto.

### **David Martin – Vice Chair**

David Martin practiced law in British Columbia since 1975, and since 1998 in the Yukon Territory. He practiced Civil Litigation with an emphasis on Administrative and Public Law. He appeared for clients at all levels of Court, including the Supreme Court of Canada. He has been recognized by Best Lawyers of Canada in Administrative, Public and Health Law.

### **Terry Bergen - Member**

Terry Bergen is a Managing Principal in the Victoria office of Read Jones Christoffersen Ltd., a national engineering firm. His work is focused on the sustainable design, construction and renewal or rehabilitation of building enclosures and structures. He is a certified construction contract administrator and has been actively involved in the delivery of construction projects for over two decades. Mr. Bergen is a member of and participant in several industry associations and is an avid supporter of trades and technical education programs, presenting as guest lecturer for construction and contract administration topics. He is a member of the ASTM Committee for Standard E60 – Sustainability, and he also sits on the Board of Directors for Construction Specifications Canada.

### **Tim Haaf – Member**

Mr. Haaf is Plant Manager of Prince Rupert Generating Station, as well as Thermal Operations Project Manager with BC Hydro in its' Thermal Generation Area. He is formerly the Operations Manager & Chief Power Engineer of the Burrard Generating Station in Port Moody. Prior to this position, Mr. Haaf has held positions as Chief Power Engineer at both Norampac Papermill, in

Burnaby, and Imperial Oil Refinery, in Norman Wells. He is a member of the Institute of Power Engineers, currently serving as Treasurer of the Vancouver Branch, and has served as Vice President and Social Director for the Institute.

### **Ted Simmons - Member**

Mr. Simmons is chief instructor of the Electrical Apprenticeship Program at BCIT. Prior to joining BCIT in 1989, he worked in the electrical field for many years as an electrician, foreman, project supervisor and from 1986 to 1989 as a provincial electrical inspector. Mr. Simmons is a member of the CSA Part I Regulatory Committee for the Canadian Electrical Code and is the current chair of Section 84 Cathodic Protection and current vice chair of Section 50 Solar Photovoltaic Systems. Mr. Simmons is also a long-serving member of the Electrical Wiring and Equipment Standards Committee, a technical subcommittee of the Electrical Safety Advisory Committee.