



Safety Standards  
Appeal Board –  
Annual Report April 1,  
2014 to March 31,  
2015

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## Message from the Chair

I am pleased to submit the Annual Report for the 2014/15 fiscal year. The 2014/15 fiscal year marks my first full year as Chair of the Safety Standards Appeal Board. It has been a busy year for the Board. In addition to

managing a steady case load of appeals, the Board started the process of revising its Rules of Practice and Procedure, looked into obtaining its own website and took the first steps to formalize the Board's many unwritten policies regarding the day to day practical realities of running the Board.

The Board handled its highest volume of appeals this fiscal year. And while numbers of active appeals being processed increased, I am happy to report that the Board increased efficiencies this year and was able to bring down the number of average days for an appeal to be processed (from filing of an appeal to close of the file with the Board).

Membership of the Board also experienced changes during the 2014/15 fiscal year. While not technically in the 2014/15 fiscal year, the appointment of the Board's original Chair, Mr. Keith Saddlemeyer, ended on December 31, 2013. Mr. Saddlemeyer was re-appointed as a member of the Board on January 2, 2014 to facilitate a three month transition period expiring March 31, 2014. I would like to thank Mr. Saddlemeyer for his longstanding service to the board. Also, the appointment of Ms. Angela Westmacott ended on December 31, 2014 and I would like to thank Ms. Westmacott for her service to the Board.

I would like to take this opportunity to thank the Board's Members and Registrar for their hard work and dedication over the past year and for their continued commitment to the work of the Board.

Emily C. Drown  
Chair

## Introduction

This report outlines the activities of the Safety Standards Appeal Board from April 1, 2014 to March 31, 2015, 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* and the *Homeowner Protection Act*. Currently, the Board hears appeals of administrative decisions made by the British Columbia Safety Authority and the Homeowner Protection Office. When the *Building Act* comes into force, the Board will also hear appeals under part 5 of the *Building Act*.

The Board's purpose is to resolve appeals from decisions made under the *Safety Standards Act* and the *Homeowner Protection 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.

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. Support to meet the financial and administrative requirements of the Board is provided by the Ministry of Natural Gas Development and Minister Responsible for Housing. The Board, through the Chair, reports directly to and is accountable to the Minister for effective Board management, operations and service delivery.

In addition to its adjudicative function, the Chair of the Board from time to time brings issues and concerns that may assist the Minister in determining public policy direction to the attention of the Minister.

## The Board

### Membership

The Safety Standards Appeal Board functions with a part-time Chair and several part-time members, all of which are appointed by the Minister of Natural Gas Development and the Minister Responsible for Housing. The following Board members served during the fiscal 2014/15 year:

Name	Position	Start Date for Original Appointment	Start Date for Current Appointment	Expiry of Current Appointment
Emily C. Drown	Chair	May 15, 2008	December 31, 2013	December 31, 2017
Jeffrey A. Hand	Vice-Chair	March 5, 2014	November 28, 2014	March 5, 2017
Ted Simmons	Member	May 1, 2004	December 31, 2013	December 31, 2017
Tim Haaf	Member	May 1, 2004	December 31, 2013	December 31, 2017
Terrance (Terry) D. Bergen	Member	March 5, 2014	March 5, 2014	March 31, 2017
Angela Westmacott	Vice-Chair	May 15, 2008	May 14, 2011	December 31, 2014

The Board had a vacancy since Ms. Westmacott's appointment expired on December 31, 2014. The vacancy was posted with the Board Resource and Development Office prior to the expiry of Ms. Westmacott's appointment and the Board is happy to report that the position was filled on May 31, 2015. The slow appointment process is cause for concern. Since the Board has limited numbers of members, an absence on the Board is felt keenly and increases the workload for others on the Board.

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

### Board Staff

This fiscal year the positions of Deputy Registrar and Registrar were amalgamated due to budget constraints. The Ministry of Natural Gas Development and Minister Responsible for Housing currently provides the Board with one full-time employee who fulfills the role of Registrar for the Board. The 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 two reporting periods:

<b>Activity</b>	<b>2014/15</b>	<b>2013/14</b>	<b>2012/13</b>
New appeals filed	20	24	15
Carry over from earlier years	10	1	3
Total appeal workload	30	28	18
Appeals completed during the year	17	24	10
Number of appeals resolved without a hearing	9	12	9
Appeals concluded by written submissions	8	12	5
Appeals concluded by oral hearing	0	0	0
Appeals concluded with oral teleconference component	1	Not available	Not available
Average total days (start to finish)	126	141	165
Appeals carried over to next reporting period	13	3	7
Number of appeals resolved by one member panel	8	7	3
Number of appeals resolved by three person panel	3	5	3
Number of decisions subject to Judicial Review	0	0	0

As illustrated in the above table, the Board had a number of active appeals carried over into this fiscal year. Consequently, the Board began the 2014/15 fiscal year with a significant backlog of decisions requiring disposition. The Board was able to reduce its backlog during the fiscal year and is on track to further improve its performance indicators next year.

## Early Dispute Resolution

Similar to last year, approximately half of all appeals resolved during the year were resolved through the use of early dispute resolution. In this regard, the Board utilizes a variety of different early dispute resolution mechanisms including formal settlement conferences with a member mediating the dispute either in person or via teleconference and facilitated discussions regarding realistic appeal outcomes at initial appeal management conferences.

Given the public safety and consumer protection mandate of the Board, resolution of appeals through the use of early dispute resolution mechanisms is preferred. Where appeals before the Board stem from issues of legislative non-compliance, a mutually agreeable resolution to an appeal assures compliance with the safety or consumer protection provisions at issue in the appeal. When appeals before the Board stem from the issuance of monetary penalties then early dispute resolution outcomes not only help assure regulatory compliance but also help to avoid ongoing collection issues for the regulatory authorities appearing before the Board.

## Analysis of Appeals

### *Volume*

The volume of new appeals remained similar to that of last year. However, the volume of new appeals filed in 2014/15 and 2013/14 has markedly increased over the number of appeals filed in previous years. This trend is expected to continue due to the increased vigilance of regulators, the increased use of monetary and administrative penalties, and the growing awareness of regulated persons concerning the existence of the Board and their appeal rights.

While the volume of new appeals remained similar to that of last year, the Board saw a large increase in the number of appeals processed during the fiscal year as many appeals filed in the 2013/14 fiscal year were carried over into the 2014/15 year. As a result, the 2014/15 year was the busiest yet for the Board in terms of adjudication and case management. The Board processed 30 appeals.

The average time from filing to disposition was 126 days, compared to 141 in 2013/14 and 165 in 2012/13. While this timeline was significantly reduced this fiscal year, it should be noted that these statistics do not accurately reflect the average time to disposition. All it takes is one particularly complex case to derail the statistics. Likewise, settled disputes often have an extended period for settlement discussions to take place as compromised settlements must often be approved or implemented by various regulators or third parties such as home warranty providers or contractors. While such negotiations can skew the statistics regarding time to disposition of the Board's appeals, they should be encouraged as a negotiated resolution ensures compliance with the legislated safety and consumer provisions that the board adjudicates disputes arising from.

In 2014/15 the Board also adjudicated a number of highly contentious appeals with above average volumes of evidence and submissions filed with the Board. Longer than average time was required by members hearing these appeals to thoroughly review the evidence filed with board and come to a decision.

## *Type*

For the first time since the Board's creation in 2004, the number of appeals filed with the Board were equally split between decisions made under the *Safety Standards Act* and decisions made under the *Homeowner Protection Act*. In previous years, the Board has seen the majority of its appeals stemming from decisions made under the *Safety Standards Act*.

There were ten appeals filed under the *Safety Standards Act*. These decisions were evenly split between appeals stemming from the issuance of monetary penalties and those dealing with issues of compliance. There was one appeal dealing with a decision concerning the ability of a candidate to retake a certification exam. Interestingly, out of the appeals dealing with issues of compliance two arose not from a finding of non-compliance by a safety officer or safety manager but rather from a homeowner alleging that a regulated product in their home was not installed in compliance with the provincial safety legislation. Further, continuing a trend started the previous year, this year saw a further complex appeal that ultimately questioned the scope of the Board's jurisdiction. This decision is noted in more detail under the heading Decisions of Note.

There were ten appeals filed under the *Homeowner Protection Act*. These decisions were evenly split between appeals stemming from a denial of permission to sell a new home under the Owner Builder Provisions of the *Homeowner Protection Act*, the issuance of monetary penalties and Registrar's orders requiring builders to comply with the terms of the legislation.

## *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. With respect to adjudicated resolutions, there were no judicial reviews of Board decisions and no formal complaints filed with any other oversight body such as the Ombudsperson or Privacy Commissioner.

## **Decisions of Note**

The noted decisions are all from appeals stemming from decisions made under the *Safety Standards Act*. While an equal number of appeals were filed from decisions made under the *Homeowner Protection Act*, those appeals have a higher rate of settlement and are more routine in nature and do not merit expanded discussion in this report. That being said, the issue of appeals coming before the Board dealing with compliance under the *Homeowner Protection Act* that involve homes in foreclosure has markedly increased. This has created some difficulty with processing appeals as the appellant is not always the party with the right to sell a home under orders made by the British Columbia Supreme Court in foreclosure proceedings. The Board expects to use its powers to order lenders to stand as third parties or interveners should this trend continue.



### ***IBEW v. British Columbia Safety Authority, BCSSAB 23 (1) 2013***

This appeal was brought under the *Safety Standards Act* by the International Brotherhood of Electrical Workers (“IBEW”) regarding the decision of a Provincial Safety Manager to recognize two new certificates created by the Applied Science Technologists and Technicians of BC (the “ASTTBC”) as approved training programs. The two certificates in question are offered under the ASTTBC’s Electrical Work Practitioner Certification Program. The IBEW wanted the Board to determine whether the Provincial Safety Manager with the British Columbia Safety Authority had jurisdiction to recognize the ASTTBC’s new certificates and whether the decision of the Provincial Safety Manager violated the duty of procedural fairness by not including sufficient written decisions. However, the British Columbia Safety Authority submitted that the Board did not have jurisdiction to address the issues raised in the IBEW’s Notice of Appeal and alternatively, if the Board did have jurisdiction to hear the Appeal, that the Appellant lacked standing to raise these issues. The Board accepted written submissions from the parties regarding the issue of jurisdiction and a three member panel of the Board determined that the Board did not have jurisdiction to hear the Appeal.

### ***A Motel, a Mobile Home Park and an Electrical Contractor v. British Columbia Safety Authority, BCSSAB 3 (4) 2013***

This appeal was brought under the *Safety Standards Act*. In this decision, the Board issued its first order for costs against a party. Costs were ordered payable by the Appellant to both the Respondent and Board after the British Columbia Safety Authority brought an application for the assessment of costs against the Appellant when the Appellant failed to acknowledge service of certain documents, which required the British Columbia Safety Authority to have to obtain expert evidence regarding handwriting analysis to prove that service did occur. Considerable resources of both the Board and Respondent were spent dealing with this matter and the Board determined that it was an appropriate exercise of the power to order costs payable.

### ***Employee of a Pulp/Paper Company v. British Columbia Safety Authority, BCSSAB 7 (1) 2014***

This appeal was brought under the *Safety Standards Act* by a candidate for a 4<sup>th</sup> Class Power Operator certification. The candidate had failed the qualification examination three times and according to the policy of the British Columbia Safety Authority was required to take an upgrade course prior to writing the examination a fourth time. The Appellant sought an exemption from this policy and sought to re-write the qualification examination without taking an upgrade course. In support of his position, the Appellant provided evidence of a reading disability and submitted that further work experience would best prepare him for re-writing the qualification examination. The British Columbia Safety Authority submitted that its policy of requiring candidates to complete an upgrade course prior to writing the examination a fourth time was reasonable and it relied on section 3(2) of the *Safety Standards General Regulation* (the “SSGR”) and section 27 of the *Safety Standards Act* for authority to require attendance at such a course. The Board considered section 3(2) of the SSGR and section 27 of the *Safety Standards Act* and held that the legislation did not permit the British Columbia Safety Authority to put conditions, other than those dealing the amount of time that must pass before a candidate can rewrite an examination, on rewriting the qualification examination for a fourth time.

### ***Wilson v. British Columbia Safety Authority, BCSSAB 4 (1) 2013***

This appeal was brought under the *Safety Standards Act*. Formally, this appeal is an appeal of a decision of the Provincial Safety Manager upholding a certificate of inspection approving the installation of a service disconnecting means (the “Switch”) and requiring certain alterations to electrical work located in a “spice kitchen” in the home. This appeal is unusual in that the Appellants brought the appeal not because the British Columbia Safety Authority had issued a compliance order or monetary penalty but because they felt that a regulated product installed in their home was installed in a way that did not comply with the British Columbia Electrical Code (the “Electrical Code”) despite the fact that a provincial Safety Manager had approved the installation. At issue was whether certain terms of the British Columbia Building Code (the “Building Code”) conflicted with the Electrical Code such that the provisions permitting the Building Code to supersede the Electrical Code took effect and rendered the Switch non-compliant. The Board considered all of the evidence submitted and found that section 9.34.1.3 of the Building Code was incorporated by reference into the Electrical Code and did add to the requirements of the Electrical Code such that the Switch was non-compliant as installed.

In this decision the Board dealt for the first time with the issue of its jurisdiction in areas where legislation over which the Board clearly has jurisdiction to hear appeals refers to or incorporates other legislation where the Board would traditionally not have jurisdiction. The Board determined that where other legislation, such as the Building Code, is referenced or incorporated by other provincial safety legislation over which the Board clearly has jurisdiction that the Board retains jurisdiction to deal with such appeals.

This decision is one of a number of recent appeals to the Board that deals with the issue of appellants seeking resolution of contractual disputes via appeals to the Board. While there were legitimate issues to be canvassed before the Board, the appeal was complicated by the Appellants’ numerous and repeated allegations of issues with the various contractors performing regulated work on their home. As in the Board’s other decisions dealing with this issue, the Board advised in its reasons for decision that the Board does not have jurisdiction to deal with such contractual disputes and that such disputes are properly resolved through the court process if a satisfactory out of court resolution cannot be found.

### **Board Rules and Policies**

The Board is in the process of updating both 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.

Upon review of the operations of the Tribunal, it is apparent that while the Board functions well in its decision making capacity that it has been operating without several requisite policies that would help to formalize Board operations and procedures. The Board is in the process of reviewing which policies are needed and will draft and implement written policies as needed.

## Board Appointments and Renewal Processes

At the time of writing this report, the Board has a total of five members, including the Chair. On December 31, 2015, a vice-chair appointment expired without renewal. This vacancy on the Board was been posted with the Board Resourcing and Development Office and the Board reports that a new member was appointed on May 31, 2015, which brings the total compliment of Board Members to six.

Five of the current six Board members' appointments expire in 2017. Accordingly, renewal of certain appointments and new appointments to the Board must be carefully planned to ensure continuity of the Board's mandate and decision making processes. The Chair will work closely with the Ministry and Board Resourcing Development Office in this regard.

In addition to the regular membership of the Board, the Board is in the process of compiling a Roster of Technical Experts (the "Roster"). Technical experts are sought in the following specialties to sit on the Roster: electrical, gas, boiler, pressure vessel, refrigeration, passenger ropeways, elevating, and amusement devices. If selected to serve on the Roster, there is no guarantee of an appointment to the Board. Individuals serving on the Roster may be called upon to serve as a member of the Board when their technical expertise could assist a panel of the Board in rendering a decision in an appeal. In such an event, a member of the Roster with the appropriate technical expertise will be appointed for a limited six month term to the Board by the Board's Chair, after consultation with the Minister, as permitted by section 6 of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45. There is no remuneration for sitting on the Roster. If appointed on a limited six month term to the Board, remuneration would be as set out in the *Treasury Board Directive*, 2/11.

## Board Finances

The Board operates with funds made available from the budget allocated to the Housing component of the Ministry of Natural Gas Development and the Minister Responsible for Housing. The Chair was advised by Ministry staff early in the reporting year that the Board's budget would total \$116,000.00.

Expenditures for the fiscal year 2014/15 totalled \$97,049.22. A detailed breakdown of this sum is set out below:

Expenses:	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Budgeted	Actual
Remuneration	22,712.50	24,250.00	21,842.00	20,987.50	100,000.00	89,792.00
Travel Expenses (5515)	442	442	1890.45	2387.75	8,000.00	5162.2
Office Expenses	50.21	117.01		217.8	500	385.02
Education/Training	0	1132.5		577.5	1,500.00	1710
Contingency					6,000.00	
<b>TOTALS:</b>	<b>23,204.71</b>	<b>25941.51</b>	<b>23732.45</b>	<b>24170.55</b>	<b>110,000.00</b>	<b>97,049.22</b>

Despite having a larger case volume than previous years, the expenditures for the fiscal year 2014/15 were less than those noted in 2013/14 (\$106,748.00). It should be noted that the expenses related to the Board's Registrar are not noted in the annual budget for the Board as the current arrangement with the Ministry has the Registrar supplied to the Board by the Office of Housing and Construction Standards. It should also be noted that despite an increased case volume, that the Board's Chair was able to accomplish a number of administrative functions that have not been undertaken for some time on behalf of the Board while remaining within the allocated budget. Such administrative functions include annual reporting, creation of Board policy, technology review and the re-implementation of annual general meetings and full board training opportunities.

Assuming a similar case volume, it is anticipated that the Board will be able to operate on a similar budget to that of the 2014/15 fiscal year for 2015/16. However, certain Board initiatives such as obtaining a new website, training inexperienced new board members and engaging in the next steps of the Tribunal Transformation Project could cause the need for increased expenses in the 2015/16 fiscal year. Further, recent changes to the *Homeowner Protection Act*, which require ongoing continuing professional development for licensed residential builders, could impact the case volume of the Board as it is anticipated that this new component to the legislation may increase the number of appeals to the Board.

## **Tribunal Transformation Project**

The Tribunal Transformation Project underway with the Ministry of Justice continues to affect the Board. In May, Bill 18-2015, the *Administrative Tribunals Statutes Amendment Act* (the "ATSAA") received royal assent. The ATSAA sets out a number of administrative changes that will affect the running of the Board such as new reporting requirements. As the regulations are revised accordingly and the ATSAA is brought into force, it is expected that the Board will undergo more changes. In particular, the Board expects to report to the Ministry of Justice sometime in the coming fiscal year with respect to issues of budget and appointments rather than the Ministry of Natural Gas Development and the Minister Responsible for Housing. The Board also expects to take the next steps to implement the clustering of the Board with other safety-orientated tribunals.

## **Statutory Reporting and Compliance**

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

No Freedom of Information requests were received during the reporting period.

The Board is in full compliance with Treasury Board Directive 2/11.

There were no valid complaints about the Board's operations or the conduct of the members or staff. However, 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.

## **Challenges and Opportunities for 2015/16**

### **Case Management System**

The Board continues to make due with an outdated case management system, made up of a whiteboard and excel spreadsheet that are regularly cross-referenced with one another. Budgetary constraints prevent investing in something more suitable for the task at hand. However, the Chair has been advised that with the prospect of clustering under the Tribunal Transformation Project that a case management system may be made available to the Board. 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. The Board will continue to canvass its options with respect to updating its case management system.

### **Website**

The Board has taken steps to obtain its own website which will be housed on the gov.bc.ca web platform. Currently, the Board's website is part of the Office of Housing and Construction Standards website. This is problematic as it does not appropriately indicate the Board's independence and at times creates a perception of bias as the configuration of the Office of Housing and Construction Standards website makes reference to the Board as well as the Homeowner Protection Office and British Columbia Safety Authority, both of which are bodies that appear in front of the Board as Respondents in appeals filed with the Board. The Board's new website should launch in early autumn 2015 and in addition to resolving the problems set out above regarding the perception of independence, the new website should also provide parties appearing before the Board with better information regarding what to expect at each stage of the appeal process.

### **Policy**

The Board has been operating without formal written policies since its inception. As the Board becomes busier and moves forward with the Tribunal Transformation Project and the potential clustering of tribunals, it is important that many of the Board's unwritten operational policies be formalized in writing. Written policies are needed with respect to matters such as member code of conduct (ie. ethics, confidentiality, conflict of interest and social media use), privacy and publication of information, and complaint protocol. Written policy will help ensure consistency in Board operations and will assist in training new members. The Board will continue to review its procedures to see what needs to be formalized into written policy and will take the appropriate steps to move forward with the creation of such policy.

### **Tribunal Transformation**

The Board will continue to be involved in the Tribunal Transformation project as set out above.

## APPENDIX 1

### **Emily C. Drown - Chair**

Emily C. Drown obtained her Bachelor of Arts from Malaspina University-College in 2004 and her Bachelor of Laws from the University of Victoria in 2004. Emily was appointed Chair of the Safety Standards Appeal Board on January 1, 2014 after serving as Vice-Chair of the Safety Standards Appeal Board from May 2008 until her appointment as Chair. In addition to her duties with the Safety Standards Appeal Board, Emily has maintained a professional law practice in Victoria, BC since being called to the Bar of British Columbia in 2005. Emily has served numerous times as a guest judge for the Law Society of British Columbia's Professional Legal Training Course and has taught Contract Law and Dispute Resolution for Construction Specifications Canada.

### **Jeff Hand – Vice-Chair**

Jeffrey Hand has practiced law in British Columbia since 1990, acting as counsel in claims involving commercial contracts, construction, design liability, insurance, bodily injury, environmental, workplace, and land development disputes. He has been a mediator and arbitrator since 2006 and holds Chartered Mediator and Chartered Arbitrator designations from the ADR Institute of Canada and the Chartered Arbitrators Institute, London. Since 2011 he has consistently been selected as a leading Commercial Mediator in both Canada and Internationally by Who's Who Legal.

As a mediator he has mediated over 300 disputes involving construction, insurance, bodily injury, motor vehicle, workplace discrimination, wrongful dismissal, motor carrier, and commercial contract claims. He sits on a number of Administrative Tribunals, including the Safety Standards Appeal Board, the Property Assessment Appeal Board, the Environmental Appeal Board, the Forest Appeals Commission, and the Oil and Gas Appeal Tribunal. Mr. Hand has been an Adjunct Professor at the University of British Columbia Law School since 1995 where he teaches both construction law and mediation advocacy.

### **Angela Westmacott – Vice Chair**

Ms. Westmacott is a Victoria lawyer with the law firm of Lovett & Westmacott which specializes in public law. She has extensive experience acting as advisor and counsel for various administrative tribunals and public bodies. Her law practice focuses on administrative, constitutional, human rights and freedom of information and privacy issues. She is also a past member of the former Human Rights Council. Miss Westmacott was originally appointed to the Board in May, 2008.

### **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 Plant Projects 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.