



Safety Standards  
Appeal Board –  
Annual Report April 1,  
2016 to March 31,  
2017

---

## **Table of Contents**

<b>Message from the Chair</b>	<b>1</b>
<b>Introduction</b>	<b>2</b>
<b>Background</b>	<b>2</b>
<b>The Board</b>	<b>3</b>
<b>Membership</b>	<b>3</b>
<b>Board Staff</b>	<b>3</b>
<b>Report of Performance</b>	<b>4</b>
<b>Appeal Activity</b>	<b>4</b>
<b>Early Dispute Resolution</b>	<b>5</b>
<b>Analysis of Appeals</b>	<b>5</b>
<b>Volume</b>	<b>5</b>
<b>Type</b>	<b>6</b>
<b>Quality of Resolutions</b>	<b>6</b>
<b>Decisions of Note</b>	<b>6</b>
<b>Board Rules and Policies</b>	<b>8</b>
<b>Board Appointments and Renewal Processes</b>	<b>8</b>
<b>Board Finances</b>	<b>9</b>
<b>Tribunal Transformation Project</b>	<b>10</b>
<b>Statutory Reporting and Compliance</b>	<b>10</b>
<b>Challenges and Opportunities for 2015/16</b>	<b>11</b>
<b>Appendixes</b>	<b>13</b>



## Message from the Chair

I am pleased to submit the Annual Report for the 2016/17 fiscal year. The 2016/17 fiscal year has been another year of growth for the Board. While the Board's case load remains similar to that of previous years the complexity of cases filed with the Board has notably increased.

In addition to managing a steady case load of appeals, the Board took further steps to update its Rules of Practice and Procedure and formalize the Board's many unwritten policies regarding the day to day practical realities of running the Board. As part of the tribunal transformation initiative, the Board also relocated its premises and is now co-located with the Victoria offices of the Civil Resolution Tribunal. This relocation furthered the necessary perception of independence of the tribunal as it was previously located within the offices of the Office of Housing and Construction Standards and the ministry responsible for the Board.

The coming into force of Part 5 of the *Building Act*, S.B.C. 2015, c. 2 sees the Board with jurisdiction to hear appeals of administrative penalties issued under the Act.

Board members Jeffrey Hand and Terrance Bergan had their appointments renewed for a further three year term. All other appointments to the Board expire during the remainder of the 2017 calendar year. It is hoped that the majority of these appointments will be renewed for a further term.

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, 2016 to March 31, 2017, 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 the British Columbia Safety Authority and the Homeowner Protection Office. New as of February 28, 2017 the Board also hears appeals under part 5 of the *Building Act*. These appeals relate 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 2016/17 fiscal year, support to meet the financial and administrative requirements of the Board was provided by the Ministry of Natural Gas Development and Minister Responsible for Housing. The Board, through the Chair, reported directly to and was accountable to the Minister for effective Board management, operations and service delivery. As of the time of writing

this annual Report the Chair now reports on behalf of the Board to the Ministry of Justice with respect to general operation of the Board. Reporting and dialogue with the Ministry of Natural Gas Development and Minister Responsible for Housing remains in place for policy and legislative initiatives as appropriate from time to time.

## The Board

### Membership

The Safety Standards Appeal Board functions with a part-time Chair and several part-time members. The Chair, Vice-Chair and most members are appointed by the Minister of Natural Gas Development and the Minister Responsible for Housing. From time to time the Chair may appoint a member to the Board for a short six month period pursuant to section 6 of the *Administrative Tribunals Act*, SBC 2004, c. 45. While used last fiscal year, the Board did not need to make any such appointment during the 2016/17 fiscal year.

The following Board members served during the fiscal 2016/17 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	March 05, 2017	March 5, 2020
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, 2017	March 05, 2020
Marc Dixon	Member	May 31, 2015	May 31, 2015	May 31, 2017

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

### Board Staff

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 three reporting periods:

<b>Activity</b>	<b>2016/17</b>	<b>2015/16</b>	<b>2014/15</b>	<b>2013/14</b>
New appeals filed	25	23	20	24
Carry over from earlier years	8	13	10	1
Total appeal workload	33	36	30	28
Appeals completed during the year	21	26	17	24
Number of appeals resolved without a hearing	11	17	9	12
Appeals concluded by written submissions	9	9	8	12
Appeals concluded by oral hearing	1	0	0	0
Appeals concluded with oral teleconference component	0	1	1	Not available
Average total days (start to finish)	160	138	126	141
Appeals carried over to next reporting period	13	10	13	3
Number of appeals resolved by one member panel	5	7	8	7
Number of appeals resolved by three person panel	4	2	3	5
Number of decisions subject to Judicial Review	0	0	0	0

As illustrated in the above table, the Board had more appeals filed this year than in years prior. The time from filing to disposition was higher than last year and is somewhat a concern. This increase is partially explained by the number of settled cases that did not require a hearing. In the regulatory framework, settlement of disputes often requires lengthy discussions between the parties and other parties not involved with the appeal directly. This can prolong settlement discussions, but is to be encouraged as it brings regulatory compliance. That being said, the appeals before the Board have increased in complexity and require more documentary evidence to be reviewed before a decision can be rendered by the Board. These more complex cases also take longer to write decisions for. With an all part-time board it is also sometimes difficult to find appropriate board members with immediate availability to write decisions. This could be rectified with either a full-time position or more part-time members being appointed to the Board.

## 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 the last three fiscal years 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.

The average time from filing to disposition was 150 days, compared to 138 in 2014/15, 126 in 2013/14 and 141 in 2012/13. While much is made about time from filing to disposition, 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.

The complexity of the appeals filed with the Board is also increasing. In 2016/17 the Board 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. The time taken for many of these appeals is exacerbated by the small size of the Board and the fact all of the members are part-time appointees.

### *Type*

Unlike recent years, the number of appeals filed with the Board was not equally split between decisions made under the *Safety Standards Act* and decisions made under the *Homeowner Protection Act*. Out of the 26 new appeals filed with the Board there were five new appeals filed under the *Homeowner Protection Act* and 21 appeals filed under the *Safety Standards Act*. The Board did not hear any appeals under Part 5 of the *Building Act*. This is to be expected given that the Board was only given such jurisdiction at the end of February 2017.

The five appeals under the *Homeowner Protection Act* dealt with an array of issues: removal of an Owner Builder Authorization, denial of permission to sell as an owner builder within the prohibited 12 month time frame, failure to become a licensed residential builder and to enroll in home warranty insurance, and the issuance of a monetary penalty. The 21 appeals filed under the *Safety Standards Act* were split fairly evenly between appeals stemming from certificates of inspection and the issuance of compliance orders, the issuance of monetary penalties, and the denial of certificates of qualification for regulated technologies. There was one appeal stemming from a provincial safety manager's refusal to issue a variance.

Of note, 9.5% of the appeals filed under the *Safety Standards Act* came from municipalities delegated the authority to administer sections of the Act in lieu of the British Columbia Safety Authority.

### *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

### *An Elevator Maintenance Ltd. v. British Columbia Safety Authority, SSAB 16(1)2016*

This case concerned a major elevator maintenance company doing business in the province of British Columbia. The appeal centered on the BC Safety Authority's decision to issue a \$20,000.00 monetary penalty and a discipline order adding a number of conditions to the elevator maintenance company's operating license. The monetary penalty and discipline order were issued against the elevator company for failure to adhere the regulations governing supervision of mechanics in training on a number of job sites. At issue in the appeal was whether mechanics in training registered in the new provincial program for obtaining certification to work as an elevating device mechanic under the *Safety Standards Act* and its associated regulations were adequately supervised by certified mechanics as required by the legislation. The BC Safety Authority took the position that direct supervision was required by the legislation while the elevator maintenance company's position was that direct supervision was not always required as the legislation referred to supervision generally and not direct supervision. Complicating matters was the fact that the BC Safety Authority had circulated a draft directive interpreting the applicable legislation, which clearly set out certain circumstances when direct supervision would be required. However, this draft directive was never finalized or formally issued by the provincial safety manager responsible for elevating devices. The Board found that without the formal issuance of the draft directive that the legislation as written did not require direct supervision and that what was required was supervision generally, which the board took to mean "adequate supervision" for the tasks being performed by the mechanics in training. In any event, the Board upheld the appeal as there was insufficient evidence submitted to show that the elevator maintenance company had provided supervision of its mechanics in training, direct or otherwise, and had also permitted uncertified individuals to perform regulated work.

### *A Builder Inc. v. Homeowner Protection Office, SSAB 4(1)2016*

This appeal concerned a monetary penalty in the amount of \$7200.00, which was issued to a builder for failing to comply with a previously issued compliance order requiring the builder to enroll the newly constructed home in a policy of home warranty insurance as required by the *Homeowner Protection Act*. While there is nothing particularly of note regarding the facts or outcome of this appeal (it was ultimately dismissed), it is included in the annual report of the Board as it deals with the issue of the appropriate standard of review for appeals before the Board. In this decision the Board held that the

## Settled Appeals

In addition to the decisions of note set out above, the Board also dealt with several appeals of note where hearings were not required as the issues under appeal were disposed of through the Board's use of alternative dispute resolution processes. While the outcomes of such settled disputes are often confidential according to the agreed upon final terms of settlement, it is worth noting that the Board

dealt with complex issues such as the regulating of medical marijuana growing operations through electrical bylaws, and access to regulated electrical installations where the ownership of the installation was disputed. The resolution of such complex matters through the Board's use of mandatory settlement discussions in certain circumstances illustrates that even complex and highly entrenched positions can be resolved outside of the formal hearing process, saving not only time and resources but also ensuring public safety and compliance with the applicable legislation.

## **Board Rules and Policies**

The Board continues 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.

The Board continues the process drafting and implementing written policies as needed in light of last year's review of Board operations that found that the Board did not have formal written policies in place as needed.

In May of 2015 the Chair of the Board met with representatives of the ten municipalities that self-regulate gas and/or electrical safety standards pursuant to arrangements made with the province under the *Safety Standards Act* to discuss the application of the appeal provisions of the *Safety Standards Act* to their municipalities and decision makers. However, several recent appeals to the Board have confirmed that not all regulators are notifying individuals of their right to appeal. This issue has been flagged with ministry staff at the Office of Housing and Construction Standards. Together with the Office of Housing and Construction Standards the Board's Chair arranged meetings with those municipalities with delegated authority under the *Safety Standards Act* to further discuss this issue in order to ensure that all British Columbians are informed of their rights to appeal and have similar access to justice.

## **Board Appointments and Renewal Processes**

At the time of writing this report, the Board has a total of six members, including the Chair. However, one member was appointed by the Chair from the Roster of Technical Experts on a limited six month term to assist with the adjudication of an appeal for which the regular compliment of board members lacked technical expertise. Upon expiry of this appointment, the Board will be back to its usual compliment of six members.

In March 2017, Vice-Chair Jeffrey Hand and member Terrance Bergen's appointments were renewed for a further three year term. The remainder of the board members' appointments expire later this year. It is hoped that the majority will be renewed; however, in addition to its technical members that are required to provide complex technical understanding, the Board requires members that have both the ability and capacity to conduct settlement meetings and write written reasons for decision.

Accordingly, renewal of 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 continues the process of filling its Roster of Technical Experts. 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*, 1/17. As indicated above, the Chair appointed Martin Vine from the Roster in February 2016 to assist with an appeal that required technical expertise in the area of amusement devices.

## 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 2015/16 totalled \$103,301.56. A detailed breakdown of this sum is set out below:

Expenses	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Budgeted	Actual
Remuneration	25,000.00	30,453.04	20,335.00	33,390.63	100,000.00	109,178.67
Travel Expenses	2194.82	722.13	635.73	1933.53	6,000.00	5486.21
Office Expenses	60.14	39.66	42.26	253.02	500	395.08
Education/Training	1446.4	1365.00	560.71	2248.70	2,000.00	5620.81
Website	0	0	0	0	1,300.00	0
Telephone	270.57	270.57	180.38	360.76	1,200.00	1082.28
Contingency					5,000.00	
<b>TOTALS:</b>	<b>28,971.93</b>	<b>32850.40</b>	<b>26,147.66</b>	<b>19,686.55</b>	<b>116,000.00</b>	<b>121,736.05</b>

The Board was over budget. This was not unexpected given the increase in case complexity for appeals filed with the Board. 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 arrangement with the Ministry had the Registrar supplied to the Board by the Office of Housing and Construction Standards. Likewise, technology and facility

expenses are also not included in the Board's budget as they were provided to the Board through the Ministry and the Office of Housing and Construction Standards.

Assuming a similar case volume, it is unlikely that the Board will be able to operate on a similar budget to that of the 2016/17 fiscal year for 2017/18. Treasury Board Directive 1/17 was issued in late 2016 and gives board members a modest increase in their per diem remuneration amounts meaning that the Board can expect the amount of its budget allocated to board member remuneration to increase even if there are no other changes to board operations. In addition, certain board initiatives such as training less experienced board members, engaging in the next steps of the Tribunal Transformation Project, and the projection that appeal volume under the *Safety Standards Act* could double as a result of the British Columbia Safety Authority's implementation of a compliance and enforcement division also mean that the Board will likely require additional funds to operate. Further, the Board's jurisdiction has increased and the Board now hears appeals under Part 5 of the *Building Act*. It is unknown how this change will affect Board volume and expenditures. In any event, the provision of additional funds would allow the time to hearing in those cases going to hearing to fall within more acceptable time ranges.

## **Tribunal Transformation Project**

The Tribunal Transformation Project underway with the Ministry of Justice continues to affect the Board. In August 2017 the Board relocated to join the Victoria offices of the Civil Resolution Tribunal and the Dispute Resolution Office of the Ministry of Justice. This move furthered the perception of Board independence (The Board has always been independent, but was housed in the Ministry with the Office of Housing and Construction Standards until the recent move). While it was expected that the Board would begin reporting to the Ministry of Justice during the 2016/17 fiscal year with respect to issues of general board operations including budget and appointments, this reconfiguration did not take place during the fiscal year.

## **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 and its successor 1/17.

The Board received no valid 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.

## Challenges and Opportunities for 2017/18

### Case Management System

The Board continues to make due 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 Registrar and Chair's notes. Budgetary constraints continue to prevent investing in something more suitable for the task at hand. Last year the Chair was advised that with the prospect of clustering under the Tribunal Transformation Project that a case management system may be made available to the Board. While still not available, the Chair remains advised that progress is being made with the potential case management system being offered as part of the Tribunal Transformation initiative. 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 continues to maintain its own website on the gov.bc.ca platform at [www.gov.bc.ca/safetystandardsappealboard](http://www.gov.bc.ca/safetystandardsappealboard). As previously reported, stakeholders have noted that the decisions of the Board posted on the website are not currently searchable. The Chair's investigations have found that gov.bc.ca can now support search functionality and the Board will be implanting such search functionality with respect to its published decisions shortly.

### 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 has reviewed its procedures to see what policy needs to be formalized into writing and is taking further steps to move forward with the creation of such policy. In this regard, the Board is working closely with the Building Code Appeal Board, which also requires similar written policies to be implemented.

### Tribunal Transformation

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

## Budget

As set out above, the Board faces budget pressures due to a variety of reasons, including but not limited to the following:

- a) Appeals filed with the Board are becoming more complex;
- b) Treasury Board Directive 1/17 implements a modest increase to the remuneration paid to board members;
- c) Case volume is projected to increase substantially;
- d) More board member time is needed to shorten time timelines for the rendering of decisions in cases going to hearing.

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.

## Board Member Appointments

Four out of the Board's six members, including the Chair, have their appointments expire in 2017. Appointee renewals and new appointments must be carefully managed to ensure that the board's operations are not negatively impacted.

## Access to Justice

As set out above, it has been noted that several municipalities with delegated authority under the *Safety Standards Act* have not been notifying individuals of their appeal rights under the Act. The Chair will continue to monitor the situation in tandem with ministry staff from the Office of Housing and Construction Standards. It is hoped that the creation of ongoing dialogue between the municipalities and the board as is appropriate for stakeholders of the board will help to rectify the situation so that all individuals in British Columbia have similar access to justice.

## APPENDIX 1

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

Emily C. Drown obtained her Bachelor of Arts from Malaspina University-College (now Vancouver Island University) in 2000 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 the Greater Victoria area 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. Emily is active in the administrative law sector of the justice system and currently serves as president of the British Columbia Council of Administrative Tribunals and director of the Canadian Council of Administrative Tribunals.

### **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.

### **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.

### **Marc Dixon – Member**

Marc Dixon is currently the CEO of Alternative Path Community Care and President of RBM Construction. He obtained a Bachelor of Arts from Concordia University and his Juris Doctorate from Western State University, College of Law. He is an active member of his community in which he gives a lot of his spare time to volunteer work.

### **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.