



Safety Standards
Appeal Board –
Annual Report April 1,
2017 to March 31,
2018

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Message from the Chair

I am pleased to submit the Annual Report for the 2017/18 fiscal year. The 2017/18 fiscal year has been another year of growth for the Board. The Board's case load increased approximately 20% over that of last year. The complexity of cases filed with the Board also increased over what was seen in previous years.

In addition to managing a steady case load of appeals, the Board took further steps to 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 transferred to the Ministry of the Attorney General.

Board members Ted Simmons, Tim Haaf and I had our appointments to the Board renewed for a further four year term. Marc Dixon's appointment to the Board expired May 31, 2017. Mr. Dixon was not reappointed to the Board. After a merit-based application process, David Martin was appointed to the Board for a two year term commencing March 1, 2018.

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, 2017 to March 31, 2018, 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 2017/18 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’s Chair also maintained a dialogue with the Ministry of Municipal Affairs and Housing 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 Ministry of the Attorney General. 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. The Board did not need to make any such appointment during the 2017/18 fiscal year.

The following Board members served during the fiscal 2017/18 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, 2017	December 31, 2021
Jeffrey A. Hand	Vice-Chair	March 5, 2014	March 05, 2017	March 5, 2020
Ted Simmons	Member	May 1, 2004	December 31, 2017	December 31, 2021
Tim Haaf	Member	May 1, 2004	December 31, 2017	December 31, 2021
Terrance (Terry) D. Bergen	Member	March 5, 2014	March 5, 2017	March 05, 2020
David Martin	Member	March 1, 2018	March 1, 2018	March 1, 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 Board has 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:

Activity	2017/2018	2016/17	2015/16	2014/15
New appeals filed	29	25	23	20
Carry over from earlier years	12	8	13	10
Total appeal workload	41	33	36	30
Appeals completed during the year	32	21	26	17
Number of appeals resolved without a hearing	18	11	17	9
Appeals concluded by written submissions	14	9	9	8
Appeals concluded by oral hearing	0	1	0	0
Appeals concluded with oral teleconference component	0	0	1	1
Average total days (start to finish)	114	160	138	126
Appeals carried over to next reporting period	9	13	10	13
Number of appeals resolved by one member panel	11	5	7	8
Number of appeals resolved by three person panel	3	4	2	3
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. Despite this, the time from filing to disposition was reduced from recent years. The reduction in time from filing to disposition is commendable as the Board has seen a marked increase in appeal volume and appeals before the Board have increased in complexity, require more documentary evidence to be reviewed before a decision can be rendered by the Board and often require interlocutory applications regarding jurisdiction or document disclosure. 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 Chair position or more part-time members being appointed to the Board.

Early Dispute Resolution

Over 56% of all appeals resolved during the year were resolved through the use of early dispute resolution. This is a moderate increase from settlement rates in recent years. With respect to early dispute resolution, 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.

With respect to appeals under the *Safety Standards Act*, the Board in particular finds the early use of appeal management conferences and settlement conferences to be most helpful. While these dispute resolution processes are also helpful on appeals brought under the *Homeowner Protection Act*, appellants on appeals under the *Safety Standards Act* (and many others who call our office looking for information) often indicate that they are unable to reach anyone at Technical Safety BC to discuss their concerns with. Many times, simply facilitating the lines of communication assists in resolving an appeal or issue before the Board.

Analysis of Appeals

Volume

The volume of new appeals increased over that of previous recent 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 114 days, compared to 160 in 2015/16, 138 in 2014/15 and 126 in 2013/14. 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 the past two years 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 29 new appeals filed with the Board there were nine new appeals filed under the *Homeowner Protection Act* and 20 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 and there is a four year transition period provided by the legislation.

The nine appeals under the *Homeowner Protection Act* dealt with an array of issues: half dealt with either the denial or cancelation of and Owner Builder Authorization while the other half was comprised of the requirement to obtain home warranty insurance, the issuance of a monetary penalty and the new statutory requirements for owner builders to pass an exam prior to issuance of an owner builder authorization and licensed residential builders to complete continuing education courses in order to maintain their licenses. The 20 appeals filed under the *Safety Standards Act* also dealt with a number of issues: half were appeals of monetary penalties that were issued for failure to comply with the *Safety Standards Act* and associated regulations while the other half were comprised of appeals from the denial of various certificates of qualification for regulated technologies and issuance of compliance orders where regulated work was performed either without a permit or by an unqualified individual.

Of note, 10% 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. Two appeals were dismissed by the Board without a hearing as a result of the Appellants' failure to comply with the Board's Rules of Practice and Procedure.

Decisions of Note

Two appeals filed with the Board dealt with new requirements set out in the *Homeowner Protection Act* that require licensed residential builders to engage in continuing education in order to maintain their licenses and owners seeking owner builder authorizations to pass an exam establishing a baseline of construction knowledge prior to being granted an owner builder authorization (in addition to the previous legislated requirements for both licenses and owner builder authorizations). The following decision is an example of such an appeal:

A Developer v. BC Housing, Licensing and Consumer Services, SSAB 17 (1) 2017

This case concerned an appeal of a decision of the Registrar of BC Housing granting approval of a residential builder's license on the condition that the applicant demonstrate that they possess residential construction experience in all seven areas mandated under the *Home Owner Protection Act Regulation*, B.C. Reg 33/2015 (the "Regulation") and that the applicant meet the requirements for continuing professional development, which are also mandated under the Regulation. The Appellant developer had been licensed as a residential builder under the *Homeowner Protection Act* between 2006 and 2011. In 2011 the developer permitted its license to lapse. Upon applying to have its license reinstated in 2016, the appellant was issued a license on the condition that it maintained continuing professional development as required by the act and could demonstrate competency in the current *BC Building Code* by either successfully challenging the required examination or successfully completing an interview with one of BC Housing's professional advisors. The Appellant took issue with these requirements and sought to have an unconditional license granted to them on appeal. After reviewing written submissions and evidence submitted by both parties, a three member panel of the Board upheld the decision under appeal which enforced the new legislated provisions requiring proof of competency and continuing professional development.

While these new licensing requirements made up 22% of the appeals brought under the *Homeowner Protection Act*, the issuance of monetary penalties by the new compliance and enforcement division of Technical Safety BC was a common theme for decisions on appeal under the *Safety Standards Act*. The following decision is an example of such an appeal:

An Alarm and Electric Company v. Technical Safety BC, SSAB2 4(1)2017

This appeal concerned a monetary penalty in the amount of \$6000.00, which was issued to a contractor for failure to obtain an electrical installation permit prior to the start of regulated electrical work contrary to section 12 of the *Safety Standards General Regulation*, B.C. Reg 105/2004 (the “SSGR”). Counsel for the Appellant submitted that a review of the criteria set out in the *Monetary Penalties Regulation*, B.C. Reg 129/2005 (the “MPR”) supported cancelling or reducing the amount of the monetary penalty. Counsel for the Respondent submitted that the monetary penalty was reasonably issued and that there was no basis for the Board to vary or set it aside. Upon review of the criteria set out in the MPR, and in particular a review of the findings of the Monetary Penalty Calculator – a tool created by the Respondent to assist it in calculating the amount of monetary penalties issued under the MPR, the Board determined that the penalty ought to be reduced from \$6000.00 to \$4000.00. The Board held that “while such a calculator is certainly helpful to the Respondent, particularly in ensuring consistency amongst penalties levied, it is the MPR that governs not the calculator.” Applying the criteria set out in the MPR rather than calculator created by the Respondent, the Board noted discrepancies: the calculator did not permit an action to be non-deliberate where someone knew of the statutory requirements, but inadvertently failed to adhere to them and did not permit there to be a score of 0 on a scale of 1 to 5 when there were no previous instances of enforcement action on record.

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 resolved several complex appeals via settlement. The resolution of 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. In some circumstances the use of a settlement conference can resolve a dispute simply by providing a forum for an exchange of information and education between the Appellants and the regulator whose decision is under appeal.

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.

Last year a review of Board operations found that the Board did not have formal written policies in place as needed. In order to rectify this oversight, the Board has put in place a formal written Privacy Policy

and is in the final stages of finalizing a Member Code of Conduct. A formal written document disposal policy must also be created. However, a review of current Board practices shows that the Board has an acceptable process in place, it now just needs to be codified.

The Chair conducted a privacy audit of Board operations during the 2016/2017 fiscal year in order to ensure ongoing compliance with provincial privacy requirements. The Chair noted that part-time members' use of personal email accounts to review appeal documents was problematic as server locations and security could not be guaranteed. The provision of government of BC IDIR accounts and email address has been prioritized for the coming fiscal year to ensure that this oversight is rectified. Otherwise, the Board was found to be in compliance with legislated requirements.

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. After several appeals to the Board confirmed that not all regulators were notifying individuals of their right to appeal over the last two years, the issue was 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 met again with representatives from all 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. At these meetings, ministry officials and the Board's Chair together requested that the municipalities notify individuals of their right to request a review or appeal under the *Safety Standards Act*. The municipalities were also requested to provide a link on their websites to the Safety Standards Appeal Board's website in order to facilitate access to justice. It remains to be seen whether the requested changes to municipal licensing systems and websites now notify individuals of their right to request review and/or appeal of certain decisions made by inspectors, safety officers and safety managers. The Board's Chair will follow up with the delegated municipalities to determine if sufficient notice is being given.

Board Appointments and Renewal Processes

At the time of writing this report, the Board has a total of six members, including the Chair.

In December 2017, the Chair, Emily Drown, and members, Ted Simmons and Tim Haaf, had their appointments renewed for a further four year term. After a merit-based appointment process, David Martin was appointed to the Board as a member on March 1, 2018.

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.

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

As part of the Board’s transfer to the Ministry of the Attorney General under the Tribunal Transformation Initiative, the 2016/17 fiscal year was the first year whereby the Board’s budget was administered by the Ministry of the Attorney General rather than the Housing component of the Ministry of Natural Gas Development and the Ministry Responsible for Housing. The Chair was advised by the Deputy Attorney General that the Board’s operating budget for the fiscal year was \$163,000.00 for operating expenses and \$0.00 for capital costs.

Unfortunately, this budget allocation amounted in a budget cut to the Board’s available resources compared to funding under the Ministry of Natural Gas Development and the Ministry Responsible for Housing, despite early reassurances that there would be no negative budget impact as a result of the transfer to the Ministry of the Attorney General. The Board had an allocated budget of \$116,000.00 for operating expenses in previous recent years and the salary and benefits for employees of the Board were not included in that amount. Upon transfer to the Ministry of the Attorney General, the Board became responsible for the salary and benefits of its employees as well as computer and telephone systems, which expenses were previously paid for by the Ministry of Natural Gas Development and the Ministry Responsible for Housing.

Expenditures for the 2016/2017 fiscal year totalled \$196,027.92. A detailed breakdown of this sum is set out below:

Expenses	Budgeted	Actual	Annual Variance Amount	Annual Variance %
Employee Salaries	51,500.00	52,179.98	(679.98)	(1.3)
Employee Benefits	12,500.00	12,700.00	(200.05)	(1.6)
Member Remuneration	87,000.00	115,903.80	(28,923.80)	(33.2)
Member Travel Expenses	6,000.00	6425.24	(425.24)	(7.1)
Employee Travel Expenses	1,000.00	1094.84	(94.84)	(9.5)
Information Systems	1,000.00	2001.51	(1,001.51)	(100.2)
Office and Business Expenses (including	4,000.00	5,722.50	(1,722.50)	(43.1)

supplies and education costs)				
TOTAL:	163,000.00	196,027.92	(33,027.92)	(20.3)

The Board was over budget. This was not unexpected given a 20% increase in case volume and an increase in case complexity for appeals filed with the Board. Further, as mentioned above, it should be noted that the expenses related to the Board’s Registrar and technology and systems expenses were previously not part of the Board’s operating expenses while under the Ministry of Natural Gas Development and Ministry Responsible for Housing. Upon transfer to the Ministry of the Attorney General these expenses became the responsibility of the Board; however, sufficient resources were not allocated to cover these new expenses. Also impacting the Board’s budget was the Ministry of Attorney General’s implementation of *Treasury Board Directive 1/17*. The Chair was notified that guidelines were being established by the Ministry to determine where in the range of approved remuneration members fit for remuneration purposes. The Chair was also advised that once available the implementation of these guidelines may require retroactive adjustments to remuneration paid to members. However, at fiscal year end the guidelines were not yet established. Accordingly, the sum of \$15,000.00 was set aside for possible retroactive adjustments to member remuneration. This amount is included in the actual expenditure for remuneration set out above. However, depending on the guidelines to be implemented, it is possible that not all of these allocated funds will be required by the Board, which will help curtail the budget deficit.

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. The Board experienced a 20% increase in case volume last year and there is no reason to expect that this trend will not continue, particularly due to Technical Safety BC’s implementation of a compliance and enforcement division. Further, the Board is without certain technical systems such as a case management system. As the Board continues to grow, the avoidance of the expense of procuring a technological solution to case management becomes harder to justify. Increased funds are required to ensure that the Board has the resources necessary to fulfill its mandate.

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 largely in compliance with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165. As set out above, the Chair's privacy audit of the Board's operations found that the use of part-time members' personal emails for transmission of appeal materials was in violation of the legislated privacy requirements. The procurement of government of BC IDIR accounts and email addresses for all Board members in the next fiscal year has been prioritized.

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 2018/19

Case Management System

The Board continues to make due without a proper case management system. The current case management system is 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. The Chair was previously advised that with the prospect of clustering under the Tribunal Transformation Project that a case management system may be made available to the Board. However, it appears that this too will be out of reach given the Board's current budget. 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. 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 plans to implant such search functionality with respect to its published decisions.

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 implemented 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

At present, the Board is fully resourced. However, if case volume continues to increase, it may be prudent to increase the number of members appointed to the Board. This would permit timelines to be better met for the hearing of appeals and rendering of written reasons for decision.

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.

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.

David Martin - Member

Mr. Martin has practiced law in British Columbia since 1975, and since 1998 in the Yukon Territory. He practices Civil Litigation with an emphasis on Administrative and Public Law. He has 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.