



Safety Standards
Appeal Board –
Annual Report April
1, 2024 to March 31,
2025

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Message from the Chair

I am pleased to submit the annual Report of the Safety Standards Appeal Board (the “SSAB” or the “Board”) for the fiscal year beginning April 1, 2024, and ending March 31, 2025. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

This year saw a continuation of increased appeal activity. Four notices of appeal were received by the Board. One was heard and determined. There are currently two appeals which are in various stages of the adjudicative process. We anticipate that the number of appeals will continue to slowly increase year over year.

In addition to appeals which have been accepted and are proceeding to determination there have been a number of notices of appeal delivered that could not proceed as their subject matter was not within the jurisdiction of the Board. In the coming year we will be reviewing our website and related public materials to highlight the Board’s jurisdiction and the necessary steps that must be taken before an appeal can be accepted by the Board. Ensuring that our process is as accessible, efficient and expeditious as possible is a priority.

We are fortunate to have a strong and experienced board to support the work of the SSAB. In the coming year we will take steps to have a vice-chair appointed following the passing of our former colleague last year. We are also grateful for the support of our Deputy Registrar and the guidance received from the Tribunal and Agency Support Division.

Maureen Baird, K.C.
Chair

Introduction

This report outlines the activities of the Safety Standards Appeal Board from April 1, 2024, to March 31, 2025, its expectations for the coming year, and its ongoing administrative and legislative commitments.

Background

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

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

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

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

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

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

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

The Board recognizes the principle that decisions of administrative tribunals must be made, and must be seen to be made, independently and impartially. Independence requires that Board members are able to reach decisions in the matters before them based solely upon the merits of the appeal and the applicable law. Impartiality means that the Board acts without bias, either actual or perceived.

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

The Board

Membership

The Safety Standards Appeal Board functions with a part-time Chair and three part-time members who are appointed via a Ministerial Order process by the Ministry of the Attorney General. This fiscal year Terry Bergen was reappointed on March 5, 2025, through to March 5, 2028, Charles (Ted) Edward Simmons and Tim Haaf were reappointed on December 31, 2024, through to December 31, 2027.

The following Board members served during the fiscal 2024/2025 year:

Name	Position	Start Date for Original Appointment	Start Date for Current Appointment	Expiry of Current Appointment
Maureen Baird	Chair	May 15, 2019	November 26, 2023	November 26, 2026
Ted Simmons	Member	May 1, 2004	December 31, 2024	December 31, 2027
Tim Haaf	Member	May 1, 2004	December 31, 2024	December 31, 2027
Terrance (Terry) D. Bergen	Member	March 5, 2014	March 5, 2025	March 05, 2028

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

Board Staff

The Safety Standards Appeal Board has one staff person, the Deputy Registrar. The Deputy Registrar was hired to support the business administration and operations of the Building Code Appeal Board (BCAB), Safety Standards Appeal Board (SSAB), Surface Rights Board (SRB) and Property Assessment Appeal Board (PAAB). Except for PAAB each of these Boards receives a small volume of appeals each year and due to the part time as and when needed nature of each of these Boards, the Tribunal sector implemented this role to work across the Board cluster. Clients communicate directly with the Board through the Deputy Registrar via email, toll-free phone, or fax.

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

Report on Performance

Appeal Activity

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

Activity	2024/2025	2023/2024	2022/2023	2021/2022	2020/2021
New appeals filed	4	2	1	7	14
Carry over from earlier years	2	0	0	3	0
Total appeal workload	6	2	1	10	14
Appeals completed during the year	6	0	1	8	11
Number of appeals resolved without a hearing	5	0	0	2	3
Appeals concluded by written submissions	1	0	1	6	13
Appeals concluded by oral hearing	0	0	0	0	9
Appeals concluded with oral teleconference component	0	0	0	0	1
Average total days (start to finish)	110	0	77	74	85
Appeals carried over to next reporting period	0	0	0	2	3
Number of appeals resolved by one member panel	0	0	1	5	8
Number of appeals resolved by three-person panel	0	0	0	1	1
Number of decisions subject to Judicial Review	1	0	0	0	3

As illustrated in the above table, the Board received 4 new appeals and carried over 2 appeals, which is an increase from previous years. All appeals resolved.

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

Analysis of Appeals

Volume

The volume of new appeals this year has increased compared to fiscal 2022/2023, however it has not returned to the average over the past 5 years.

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

Type

The Board received four appeals under the *Safety Standards Act*. The Board did receive two appeals under the *Homeowner Protection Act* or the *Building Act*.

Quality of Resolutions

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

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

Board Rules and Policies

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

Board Appointments and Renewal Processes

At the conclusion of fiscal year 2024/25, the Board had a total of four members, including the Chair.

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

Board Finances

The Board’s budget for this fiscal period was \$125,500.

Table 1.1 reflects the Board was under budget by \$63,481.78. These figures are primarily a result of adjusting to the sharing of costs of the Deputy Registrar.

The Board intends to appoint a new Vice-Chair in the coming fiscal year should funding permit.

Table 1.1

Expenditure Type	Budget	Actuals	Variance
Salaries*	\$30,000.00	\$30,517.33	\$-517.33
Benefits*	\$8,000.00	\$7,751.47	\$248.53
Board Member fees and expenses	\$82,500.00	\$24,829.78	\$57,670.22
Information systems	\$2,000.00	\$1,215.00	\$785.00
Office and business	\$2,000.00	\$758.09	\$1,241.91
Legal & Professional Support Services & Travel	\$1,000.00	\$0.00	\$1,000.00
TOTAL	\$125,500.00	\$65,071.67	\$60,428.33
Reallocation + Contingency Access	+\$3,053.00		
Total Expenditures	\$128,553.00	\$65,071.67	\$63,481.73

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

Statutory Reporting and Compliance

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

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

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

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

Case Management System

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

Website

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

Budget

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

Appendix 1

Maureen Elizabeth Baird - Chair

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

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, and capacity building with First Nations. He is a certified construction contract administrator and has been actively involved in the delivery of construction projects for over two three 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 Vancouver Island Executive Committee for Construction Specifications Canada.

Tim Haaf – Member

Tim Haaf is a retired First Class Power Engineer with 44 years of experience working in the Power Engineering field. He has held the position of Chief Engineer in Thermal Power Generation, Oil Refining, and Pulp and Paper industries. As an active member in his community, Mr. Haaf has held positions of Treasurer and Social Director for the Institute of Power Engineers and coach for minor league baseball, hockey, fastpitch and soccer organisations. He continues to contribute his services as a member and Treasurer of the BC Institute of Power Engineers (Vancouver Branch).

Ted Simmons – Member

Mr. Simmons is the Department Head for the Electrical Trades 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 the current

Vice Chair of the Canadian Electrical Code Part I representing Education. Mr. Simmons is also Chair of Section 16 CE Code Part I – Class 1 and Class 2 circuits, Chair of Section 26 CE Code Part I – Installation of Electrical Equipment, Chair of Section 64 CE Code Part I – Renewable Energy Systems, Energy Production Systems, Energy Storage Systems, and Batteries, and A Member of SCORES – Strategic Committee on Requirements for Electrical Safety.