

**Date Issued: August 29, 2019  
Appeal No. SSAB 15-2019**

Indexed as: BCSSAB 15 (1) 2019

**IN THE MATTER OF THE SAFETY STANDARDS ACT,  
S.B.C. 2003, Chapter 39**

**AND IN THE MATTER OF an appeal to the  
BRITISH COLUMBIA SAFETY STANDARD APPEAL BOARD**

**BETWEEN:**

**A Homeowner**

**APPELLANT**

**AND:**

**Technical Safety BC**

**RESPONDENT**

**REASONS FOR DECISION**

**Safety Standards Appeal Board:**

**Jeffrey Hand**

**Representing the Appellant:**

**The Appellant**

**Technical Safety BC:**

**Lisa Picotte-Li**

**INTRODUCTION**

[1] The Appellant is appealing a decision of the Provincial Safety Manager which upheld a decision of a Safety Officer revoking an electrical permit.

[2] The Respondent has made a preliminary application to dismiss this appeal summarily on the basis that the permit was issued in error and such decisions are not subject to appeal.

## **FACTS**

[3] The Appellant resides in a residence located in Vernon, B.C. (the "Property") The Appellant had recently moved two mobile homes on to the Property in which his adult children were to reside. The electrical permit was for the installation of electrical service to those mobile homes.

[4] The Appellant is a journeyman carpenter. He is not an electrician. The Electrical Safety Regulation, B.C Re. 100/2004, allows homeowners to perform electrical work in their fully detached dwelling. The electrical permit issued to the Appellant contains the following terms and conditions:

"This electrical installation permit is issued only for the permit holder's own fully detached dwelling. The dwelling must be, or intended to be, the permanent residence of the permit holder and may not contain a suite. If approved by a Safety Officer, this permit may also be used for electrical work on an out building which is located on the same property as the permit holder's primary residence or on a recreational property. The premises must be for the sole use of the permit holder (and immediate family). No electrical may be performed if the premises is, or intended to be, used to provide income."

[5] On or about June 4, 2019 a Safety Officer attended at the Appellant's property and learned that the Appellant did not reside in the mobile homes that were the subject of the electrical permit. Although there is scant evidence before the Board at this stage of the proceedings, the Safety Officer made the decision to revoke the permit apparently on the basis that the Appellant did not live in either of the two mobile homes.

[6] The Appellant asked for a review of the Safety Officer's decision. On July 10, 2019 the Provincial Safety Manager confirmed the Safety Officer's decision to revoke the permit saying that it had been issued in error.

[7] The Appellant filed this appeal on Aug 2, 2019.

[8] The parties were invited to present oral argument on whether the Board has jurisdiction to hear this appeal during an appeal management conference held by telephone on August 27, 2019.

[9] The Respondent submits that the Board should summarily dismiss this appeal prior to it being heard on its merits. They rely on Section 32 of the Safety Standards General Regulation, BC Reg. 105/2004:

32(1) A person's license or other permissions may be revoked or suspended by a Provincial Safety Manager if the license or other permission was issued in error.

32(2) A revocation or suspension under Subsection 1 cannot be the subject matter of an appeal to the Appeal Board.

[10] The Respondent submits that Subsection (2) is applicable in the circumstances of this appeal because they say the permit was issued in error, that error being the belief that the Appellant resided in the mobile homes that were the subject of the permit.

[11] In support of that argument the Respondent relies on the Electrical Safety Regulation, Section 17 which provides:

17(1) Subject to this section, a homeowner may perform electrical work in their fully detached dwelling under an installation permit.

[12] In response to this assertion, the Appellant submits that he was entitled to the homeowner's permit and he relies on the terms and conditions of the permit itself which make reference to performing work on a premises where the Appellant resides or one in which the Appellant's immediate family resides.

[13] It is readily apparent that the Appellant and the Respondent have different interpretations of the criteria under which homeowner permits may be issued for electrical work. That issue is not for determination at this stage since the parties have yet to submit all of their evidence and make full submissions on this point. It is sufficient at this stage to recognize however that the parties have differing views on how to interpret applicable

legislation. If the Respondent's interpretation ultimately prevails then it may be that the permit was issued in error but if the Appellant's interpretation prevails then there would be no error in the issuance of the permit.

[14] It would be improper, in the Board's view, to deny the Appellant the opportunity to present his case in support of his argument that the electrical permit was properly issued to him simply because the Respondent takes the view that the permit was issued in error. Section 32 of the Safety Standards General Regulation should apply only in instances where there is little if any doubt that a permit was issued in error and certainly should not be applied where it is in issue as to whether such an error occurred. Here the Appellant alleges that he is entitled to the permit and the Board finds that he should have the opportunity to present his case in favour of his interpretation of the legislation.

## **CONCLUSION**

[15] Accordingly, the Respondent's application to summarily dismiss this appeal is denied.

Signed;

A handwritten signature in black ink, appearing to read 'J. Hand', written in a cursive style.

---

Jeffrey Hand, Chair  
Safety Standards Appeal Board