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Bill Pr158

*(Chapter Pr65
Statutes of Ontario, 1994)*

An Act respecting the Ontario Association of Home Inspectors

Mr. Mills

1st Reading	November 15, 1994
2nd Reading	December 8, 1994
3rd Reading	December 8, 1994
Royal Assent	December 9, 1994

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An Act respecting the Ontario Association of Home Inspectors

Preamble	<p>The Ontario Association of Home Inspectors has applied for special legislation to become incorporated for the purpose of carrying out its objects, to enable it to govern and discipline its members and to grant to its members the right to the exclusive use of the designations "Registered Home Inspector" and "R.H.I.". The applicant represents that it is an unincorporated association that is a division of The Canadian Association of Home Inspectors.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>consumers in Ontario by home inspectors;</p> <p>(f) to seek and maintain affiliations with, and to co-operate with, other organizations having objects, in whole or in part, the same as or similar to the objects of the Association.</p>	
Definition	<p>1. In this Act, "Association" means the Ontario Association of Home Inspectors.</p>	<p>4. (1) The affairs of the Association shall be managed by a board of directors.</p>	Board of directors
Association incorporated	<p>2. (1) The Ontario Association of Home Inspectors is constituted a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and such other persons who later become members of the Association constitute the corporation.</p>	<p>(2) The first board shall consist of the persons named in the Schedule and they shall hold office until their successors are elected in accordance with this Act and the Association's by-laws.</p>	First board
Head office	<p>(2) The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario that may be designated by the Association's board of directors.</p>	<p>(3) The board, other than the first board, shall consist of not fewer than five and not more than 15 persons elected by and from the membership of the Association as set out in the Association's by-laws.</p>	Composition of board
Objects	<p>3. The objects of the Association are,</p> <p>(a) to maintain high professional standards among the members of the Association through education and discipline;</p> <p>(b) to provide formal training and educational facilities to the members of the Association;</p> <p>(c) to hold conferences and meetings for the discussion of home inspection standards and practices and for the presentation of papers and lectures;</p> <p>(d) to collect and disseminate papers, lectures and other information that is useful or interesting to the members of the Association;</p> <p>(e) to publicize the role of home inspectors in Ontario, and, in particular, to publicize the full range of services offered to</p>	<p>(4) The immediate past president of the Association shall be a member of the board by virtue of office, if he or she remains a member of the Association.</p> <p>(5) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of a tie, the term of office of the members of the board and other necessary details shall be as set out in the Association's by-laws.</p> <p>(6) At any meeting of the board, a majority of the voting members of the board constitutes a quorum.</p> <p>(7) The board shall elect from its members a president, a vice-president and a treasurer.</p> <p>(8) The board shall appoint a secretary and a registrar, neither of whom need be a member of the board.</p> <p>(9) The board shall fill any vacancy on the board, except that of the immediate past president, for the remainder of the term, in the manner provided by the Association's by-laws.</p>	<p>Same</p> <p>Board matters covered in by-laws</p> <p>Quorum</p> <p>Officers</p> <p>Same</p> <p>Vacancies</p>

Association
meetings,
proxies

5. (1) At any **meeting** of the Association, members may be represented by proxy in accordance with the Association's by-laws but no proxy shall be exercised by a person who is not a member of the Association.

Quorum

(2) At any meeting of the Association, **two-fifths** of the members of the Association, whether present or represented by proxy, constitutes a quorum.

By-laws

6. (1) The board of directors may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically elsewhere provided in this Act, the board may pass by-laws,

- (a) to establish and prescribe such categories of membership as are necessary for the purposes of the Association and in the public interest;
- (b) to prescribe the qualifications for membership in and registration by the Association;
- (c) to provide for the continuing education and professional development of the members of the Association;
- (d) to regulate and govern the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice and by establishing procedures for considering complaints made against members;
- (e) to govern the calling, holding and conduct of annual, general and special meetings of the Association and of meetings of the board;
- (f) to establish and provide for the administration of a benevolent fund for the benefit of members of the Association and families of deceased members of the Association who require financial assistance and, for that purpose, providing for the receipt of donations;
- (g) to authorize the making of grants for any purpose that may promote the objects of the Association;
- (h) to establish such committees as the board may consider necessary to carry out the business of the Association;
- (i) to enter into any arrangement with an insurer to make available group errors and omissions insurance to members of the Association; and
- (j) to provide for the appointment of an auditor for the Association.

(2) The board shall pass by-laws,

Same

- (a) to provide for and govern the discipline, suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (b) to establish a discipline committee and its procedures;
- (c) to establish an appeals committee and its procedures; and
- (d) to establish an admission review committee and its procedures,

(3) No by-law is effective until it is ratified by the voting members of the Association at an annual, general or special meeting.

Ratification
of by-laws

(4) The by-laws shall be open to examination by the public at the head office of the Association during normal office hours,

By-laws open
to the public

7. The Association shall grant membership to every person who applies for it in accordance with the by-laws of the Association if the person,

Membership

- (a) is at least **18** years old;
- (b) has complied with the academic and experience requirements specified in the by-laws of the Association for the issuance of membership;
- (c) has passed such examinations as the board of directors may set or approve by by-law; and
- (d) in the opinion of the board of directors, is likely to carry on the practice of home inspection in accordance with the law and with integrity and honesty.

8. (1) The registrar of the Association shall keep a register which shall show the names of **all** members of the Association in good standing, their status and their category of membership.

Register

(2) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection of
register

9. (1) The board of directors shall cause the name of a member to be removed from the register.

Removal
from register

- (a) if the member requests or gives written consent to the removal;
- (b) if the name has been incorrectly entered;
- (c) if notification is received of the member's death; or
- (d) if the registration of the member has been suspended or revoked through disciplinary proceedings.

Restoration
to register

(2) Subject to subsection (3), the board of directors, on such grounds as it considers sufficient, may cause a name that was removed from the register to be restored to the register either without payment of a fee or upon payment to the Association of any arrears in fees or other sums the person owes to the Association and such additional sum as may be prescribed by by-law of the Association.

Same

(3) If the name of a person whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register, the board of directors may by resolution direct that the name be restored subject to such conditions as the board may impose.

Certificate of
membership

10. (1) The board of directors shall cause a certificate of membership to be issued each year to every person whose name appears in the register.

Same

(2) The certificate shall state the date upon which it expires, the category of membership and any condition imposed by the board of directors on the home inspection practice of the person to whom the certificate is issued.

Appeals

11. (1) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal to grant membership or from the sanction.

Record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the registrar shall provide the party with a certified copy of the record of the proceeding being appealed, including the documents received in evidence and the decision or order that is the subject of the appeal.

Grounds for
appeal

(3) An appeal under this section may be made on questions of law or fact or both.

Powers of
court

(4) The court may confirm, vary or rescind the decision being appealed, may exercise all powers of the Association or of its board of directors or committee, as appropriate, and may direct the Association, its board of directors or committee to take any action it is empowered to take and, for such purposes, the court may substitute its opinion for that of the Association or its board of directors or committee, or the court may refer the matter back

for rehearing, in whole or in part, in accordance with such directions as the court considers appropriate.

12. (1) Every member of the Association whose name appears in the register may use the designations "Registered Home Inspector" and "R.H.I."

Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Home Inspector" or "R.H.I.", alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a registered home inspector is guilty of an offence.

Offence

(3) On conviction of an offence under subsection (2), a person is liable to a fine of not more than \$5,000.

Penalty

(4) In every case where registration is an issue, the production of a copy of the register, certified by the registrar of the Association, is sufficient evidence of all persons who are registered in lieu of the production of the original register and a certificate purporting to be signed by a person in that person's capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of that person's signature or of that person being the registrar.

Evidence

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered,

Same

13. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a home inspector in the Province of Ontario.

Right to
practise
unaffected

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. The short title of this Act is the *Ontario Association of Home Inspectors Act, 1994*.

Short title

SCHEDULE

Harry Janssen
Ian Clunie
Steve Katz
Terry Carson
Steve Balshin