

**OAHI – Member Appeal  
2008-01  
September 08, 2008**

**PREPARED BY  
OAHI Appeals Committee  
1515 Matheson Avenue East  
Mississauga, ON**

**September 16, 2008**

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## OAHI Appeal Case 2008-01 – Member Raymond Wand

**This case is presented in three parts:**

- 1. The Appeal Process
- 2. Appeal Decision
- 3. Rationale for Decision

## **1.0 THE APPEAL PROCESS**

The appeal was held on September 08, 2008 at the offices of the Ontario Association of Home Inspectors (OAHI).

The appeal: “ **Member Raymond Wand is appealing the decision of the BOE listing 5 requirements for reinstatement from Retired member to RHI.**”

The meeting was brought to order at 9:32 am EST.

The Appeals Committee included the following members:

Phil Bottriell – Chair - Present  
David Glennie - Present  
Doug Azar - Present  
Guy Battaglini - Absent  
Mike Lypczynski – Absent

A quorum of members was present (3) and therefore the appeal commenced. The three present members listened to the appeal and are the only three involved with the case.

The following members were also present to provide evidence in regards to the appeal:

Mr. Raymond Wand  
Mr. Graham Ashdown  
Mr. Terry Carson

All members present signed the attendance sheet provided and attached to the binder under Tab 14.

The persons involved with giving direct evidence were asked if they would swear to an oath and both agreed they would.

The appeal commenced with the introduction of information by Mr. Terry Carson of the BOE. The pages were discussed and the information was numbered 1 through 18 as follows:

1. Nov. 30, 2007 – e-mail to Raymond Wand from the BOE- this e-mail detailed the requirements as set out by the BOE for membership renewal from retired to RHI. The e-mail required 5 items including the application, two inspection reports for verification, complete DRC course, proof of 20 CEU's, and the membership dues. .
2. December 22, 2003 – letter from Wand to OAHI – as an RHI this letter was sent by Mr. Wand in regards to the application form.
3. January 19, 2004 – letter from registrar in regards to the above letter. A

- reminder from the registrar to complete the insurance section of the application form to obtain RHI renewal.
4. January 17, 2005 – application form from Raymond Wand as a retired member.
  5. December 29, 2004 – letter from OAHl in regards to Mr. Wand accepting status as a retired member, signed by member.
  6. December 7, 2005 – application for retired membership completed by Wand and signed.
  7. December 16, 2004. E-mail from Wand and answered by Registrar in regards to changing status from RHI to retired.
  8. NACHl postings – two postings retrieved by a member and given to the BOE, both written by Raymond Wand, neither is dated.
  9. December 20, 2006 – Letter from registrar informing Mr. Wand that his recent request for status change from Retired to RHI will not proceed until an active DPPC complaint has been settled.
  10. November 28, 2006 – e-mail from OAHl office confirming receiving status request change from OAHl.
  11. November 16, 2007 – Request for upgrade status from retired to RHI via e-mail to registrar.
  12. December 3, 2007 – letter from Wand requesting appeal of decision of BOE noted in Item 1.
  13. December 22, 2007 – letter from OAHl Andrew Dixon BOE denying application due to alterations by applicant.
  14. December 3, 2007 – signed renewal form from Wand for retired status.
  15. December 31, 2007 – letter from Wand in regards to clarification required in regards to altered membership form.
  16. March 20, 2007 – letter from Wayne Christopher in regards to complaint filed by Wand.
  17. September 4, 2008 – memorandum from Terry Carson in regards to this appeal.
  18. Member profile – not dated.

The following evidence was provided and introduced by Mr. Wand:

Tab1 – Mandate – Board of directors

Tab 2 – Oahi – Policy Section 9.3

Tab 3 – August 4, 2006 – Violation of ASTTBC from DPPC to Wand

Tab 4 – December 20, 2006 – Letter from OAHl Registrar (see 9 above)

- Feb. 26, 2007 – Dismissal letter of above from DPPC.

- Case #06-50 ASTTBC

- March 16, 2007, Letter from DPPC to Raymond Wand

- March 06, 2007, e-mails between Carson and Wand

- February 16, 2007, e-mails from Wand to Registrar

Tab 5 – February 19, 2007 – e-mail from Wand to Carson

Tab 6 – February 19, 2007 – Reinstatement of other member

Tab 7 – November 16, 2007 – Wand renewal request to OAHl registrar

Tab 8 – December 3, 2007 letter as above, e-mail to DPPC Chair from Wand  
- e-mail from OAHl register to Wand etc.

Tab 9 – online chat room – DPPC Chair – Wayne Christopher

Tab 10 – December 22, 2007 letter from Andrew Dixon to Wand, answer from  
BOE to Wand, etc.

Tab 11 – January 11, 2008 – OAHl register to Wand, confirmation of appeal

Tab 12 – member profile

Tab 13 – July 24, 2008 – letter from Wand to Battaglini re: appeal hearing.

After the presentation of all the evidence questions were asked of the members  
Raymond Wand as appellant and Terry Carson as BOE representative.  
The meeting was recorded by the appellant and the Chair of the Appeals  
Committee.

All parties agreed the information discussed is confidential.

The meeting was adjourned at 1 pm.

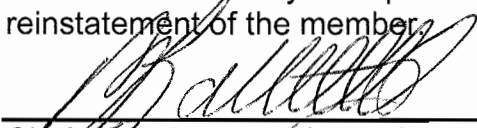
## **2.0 APPEAL DECISION – 2008-01**

The three member appeal board heard the case in regards to member Raymond Wand. The rationale for the decision is explained in section 3. Our decision is as follows:


1. **Fees** – the member will pay fees of \$325 plus GST to be reinstated to September 30, 2008.
2. **Suspension** – the member will serve a 9 month suspension for false information provided on his application form. This suspension will run from January 1, 2008 to September 30, 2008.
3. **Membership Status** – the member will be reinstated as an RHI on October 1, 2008 with the following provisions:
  - a) the member must complete the suspension and cannot use the RHI designation until October 1, 2008.
  - b) The member must complete the application form and pay the required fees.
  - c) The member must provide the record of his 20 CEU credits to cover the years 2006/2007. The member has 60 days to meet this requirement from September 08, 2008. This item shall not hold up his reinstatement.

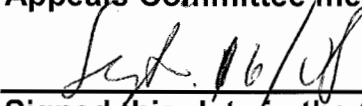
**It is the Appeal Committees opinion that the member, Mr. Raymond Wand, is a valuable asset to the organization and should be encouraged to resolve this appeal and complete his reinstatement.**

It is the decision of this committee that this appeal shall be sealed and should not be made public. The member shall receive a copy of the appeal by registered letter. The secretary shall provide the decision only to the registrar for reinstatement of the member.

  
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**Chairman Appeals Committee – Phil Bottrill RHI**

  
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**Appeals Committee member - David Glennie**

  
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**Appeals Committee member - Doug Azar**

  
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**Signed this date in the City of Kanata, Ontario**

### **3.0 RATIONALE FOR DECISION**

The Appeals Committee used the following rationale for the decision based on the information provided and the evidence presented during the appeal:

1. Fees – it is the decision of the committee that the member was completing inspections while informing the RHI that he was retired. He is required to pay the difference in the fees as follows:
  - a) 2005 – Member fee \$350 minus fee paid of \$50.
  - b) 2006 – Member fee \$400 minus fee paid of \$75.
  - c) 2007 - the member attempted to upgrade from Retired status to RHI but was not allowed to proceed because of apparent DPPC action. We found that this action was started by the DPPC Chairman in a matter that did not relate to OAHl business. The member will not be required to pay any further fees for this year.
  - d) 2008 – the member again commenced an action to reinstate to RHI. The committee feels that the result of his requests for upgrade were not suitably dealt with by the Board of Examiners and as such the member was delayed in receiving his status. The member will not be required to pay any further fees relating to the period from January 1 to September 30, 2008.
  - e) Appeal fee – the member will be rebated the fee for the appeal of \$300. The BOE issued requirements for the member which were interpreted to be outside the 3 year period. The Committee determined that the member started the process within the three year period and could have provided the CEU requirements within the three year period.
2. Suspension – The member shall serve a 9 month suspension for falsifying the membership form. The member confirmed that he was completing home inspections as a retired member. The suspension will commence as of January 1, 2008 since this would have been the date of reinstatement as an RHI if the BOE had interpreted the member as falling under the provisions of By-law 3.3.5.2.
3. Membership Status – the member made 2 attempts to reinstate as an RHI. In both situations the member fell under the three year provision and therefore was only required to meet the CEU requirements. In both cases actions by the DPCC and BOE halted the process without due cause. The committee therefore recommends that the member be reinstated as an RHI in accordance with the above.