

Ontario Association of Home Inspectors

Bylaw No. 1

As of March / 6 /2015

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BYLAW NO. 1

a bylaw relating generally to the conduct of the affairs of

ONTARIO ASSOCIATION OF HOME INSPECTORS

WHEREAS the Ontario Association of Home Inspectors was constituted a corporation without share capital by Bill Pr 158, the Ontario Association of Home Inspectors Act, 1994, (the “Act”) for the following objects:

- (a) to maintain high professional standards among the members of the Association through education and discipline;
- (b) to provide formal training and educational facilities to the members of the Association;
- (c) to hold conferences and meetings for the discussion of home inspection standards and practices and for the presentation of papers and lectures;
- (d) to collect and disseminate papers, lectures and other information that is useful or interesting to the members of the Association;
- (e) to publicize the role of home inspectors in Ontario, and, in particular, to publicize the full range of services offered to consumers in Ontario by home inspectors;
- (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.

BE IT ENACTED as a Bylaw of **ONTARIO ASSOCIATION OF HOME INSPECTORS** (the “Association”) as follows:

Acronyms Used

ASHI – American Society of Home Inspectors
BOD – Board Of Directors
BOE – Board Of Examiners
CAHPI – Canadian Association of Home and Property Inspectors
DPPC – Discipline and Professional Practices Committee
DRC – Defect Recognition Course
OAH I – Ontario Association of Home Inspectors
PLA – Prior Learning Assessment
PPC – Past Presidents’ Committee
PRC – Public Relations Committee
RHI – Registered Home Inspector
TRC – Technical Review Committee

Article 1

Head Office

1.1 Location

The head office of the Association shall be in the City of Toronto, in the Province of Ontario, and at such place therein as the Board of Directors may from time to time determine.

Article 2

Seal

2.1 Corporate Seal

The seal which is impressed hereon shall be the corporate seal of the Association.

Article 3

Membership

3.1 Membership at Royal Assent

The persons registered as members of the Ontario Association of Home Inspectors on December 9, 1994, being the day that the Act received Royal Assent, shall be granted membership in the Association.

3.2 Granting of Membership

3.2.1 Eligibility

The Association shall grant membership to every person who applies for it in accordance with the Bylaws if the person,

- (a) is at least 18 years old;
- (b) has complied with the academic and experience requirements specified in the Bylaws of the Association for the issuance of membership as described in Clause 3.3 and Article 4;
- (c) has passed such examinations as the Board of Directors may set or approve by Bylaw; 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 by complying with Clauses 3.4 and 3.5.

3.2.2 Membership of Individuals

With the exception of the membership category "Friends of the OAH", the Association shall grant membership only to individuals and not to firms, corporations, unincorporated associations, partnerships or proprietorships.

3.3 Membership Categories and privileges

The Association shall have the membership categories described in Paragraphs 3.3.1 through 3.3.9.

3.3.1 RHI Members

RHI Members" shall be persons who complete the qualification requirements described in Article 4.3. RHI Members have full membership privileges including voting rights, and may use the designation, "Registered Home Inspector" or "RHI".

Bylaw 3.3.2 Associate Members

Associate Members shall be persons who complete the qualification requirements described in Article 4.2, and hold Associate Member status for a period not to exceed 3 years. Associate Members have restricted membership privileges, but have voting rights and are entitled to hold themselves out as an "Associate Member" of the Ontario Association of Home Inspectors.

3.3.3 Removed

3.3.4 Candidate Members

Candidate Members shall be persons who complete the qualification requirements described in Article 4.1, and hold Candidate Members status for a period not to exceed 3 years. Candidate Members have restricted membership privileges, have voting rights and are entitled to hold themselves out as a "Candidate Member" of the Ontario Association of Home Inspectors.

3.3.5 Applicant Members

3.3.5.1 Applicant Members shall be persons who have not completed qualification requirements, and hold Applicant Member status for a period not to exceed 3 years. Applicant Members have restricted membership privileges but do have voting rights. Applicants shall comply with the regulations of the Association, and may participate in education programs of the Association according to regulations set by the Board of Directors.

3.3.6 Student Members

Student Members shall be persons who have not completed qualification requirements, and are not performing inspections. Students shall comply with the regulations of the Association, and may participate in education programs of the Association according to regulations set by the Board of Directors.

3.3.7 Retired Members

3.3.7.1 Retired Members shall be persons who have attained RHI Member, New Associate Member or Associate Member status but are not performing inspections. Retired Members shall have restricted membership privileges and no voting rights, but are entitled to function as committee members. In particular, the provisions of Articles 3.3.7.2 and 3.3.7.3 shall apply to Retired Members:

3.3.7.2 Retired Members who have held Retired Member status for less than three years must reinstate their former active membership category before performing inspections, subject to meeting the completion of Mandatory Upgrading Requirements and Continuing Education Requirements of Articles 30 and 31, and to meeting the insurance requirements of Article 5.

3.3.7.3 Retired Members who have held Retired Member status for three years or more must make application to the Board of Examiners and hold such membership category provided for in the By-laws based on education and experience at that time before performing inspections.

3.3.8 Friends of the OAH

Friends of the OAH are individuals or organizations wishing to participate in the activities of the Association. They shall have the right to receive mailings, participate in OAH meetings and events at rates charged to members, but have no voting rights. They shall not themselves or through their corporate bodies perform inspections, directly or indirectly.

3.3.9 International Membership Category (ASHI® member)

“OAH/ASHI® Members” shall be persons who:

- 1) Hold American Society of Home Inspectors (ASHI®) membership in good standing with ASHI® and have met all ASHI® requirements to be a Certified ASHI® Inspector.
- 2) OAH/ASHI Members have restricted membership privileges, but have voting rights.

OAH/ASHI® Members can not practice home inspections in Canada.

3.4 Obligations of Members

All members shall comply with this By-law and with the following requirements:

- (a) Perform home inspections according to the CAHPI Standards of Practice.
- (b) Maintain Insurance, as described in Article 5.
- (c) Follow the OAH Code of Conduct, Professional Practice and Conflict of Interest Guidelines, as set out in Article 18 of the By-laws.
- (d) Maintain membership fees in good standing.
- (e) Complete Mandatory Upgrading Requirements and Continuing Education Requirements, as described in Article 30 and Article 31.
- (f) In the event of written complaints which are not satisfactorily resolved, all non RHI members may be suspended from inferring any affiliation with the OAH, participation in education programs, or the completion of the membership qualification process.

3.5 Membership Fees

The Board of Directors may from time to time fix annual dues or fees payable by the members. The Secretary shall notify the members of the dues or fees at any time payable by them. If any members shall fail to make payment of the dues or fees payable on the due date, the Secretary shall notify the members of the dues or fees in arrears and, if any are not paid within thirty (30) days of the date of such notice, the members in default shall be subject to suspension of membership by resolution.

of the Board of Directors, provided that any such members may on payment of all unpaid dues and fees, together with any other sums owing to the Association by such members and such additional sum as the Board of Directors may have directed, be reinstated as members by the Directors.

3.6 Resignation from Association

Any member may resign from membership in the Association upon notice in writing to the Secretary of the Association.

3.7 Reinstatement Fee

Persons who terminate their membership for any reason shall be liable to pay a re-instatement fee of not more than \$300.00 upon renewal of membership as well as any other applicable membership fee to such conditions as the Board of Directors may impose upon payment to the Association of any arrears in fees or other sums the person owes to the Association and such additional sum as the Board of Directors has directed.

3.8 Other Membership Privileges

The rights of members in the different membership categories to the use and display of the Association's name, acronym OAHI, and the OAHI logo, and the restrictions on such use or display, are as described in Article 19.

Article 4

Membership Qualification Requirements

4.1 Candidate

Candidate Members shall be persons who have completed the following qualification requirements:

1. Completion of either A or B:

A. Completion of an educational program in the field of home inspection from an Ontario Community College, as recognized and approved in accordance with Article 4.4(a);

or

B. Completion of equivalent courses as accepted by the OAHI Admissions Review Committee in accordance with Article 4.4(b);

2. Completion of the OAHI Practical Training requirement, as described in Article 4.4(c);

3. Completion of Peer Review, including Inspection Report Verification, according to the OAHI Standards of Practice, as described in Article 4.4(d); and

4. Completion of the OAHI Defect Recognition and Reporting Course, as described in Article 4.4(e), within one year of attaining Candidate Member status.

4.2 Associate

Associate Members shall be persons who have completed the following qualification requirements:

1. Completion of the qualification requirements required to attain and maintain Candidate Member status, as described in Article 4.1;

2. Completion of 150 fee paid inspections as a Candidate Member, as described in Article 4.4(f); and

3. Completion of either A or B:

A. Completion of OBC Part 9-Health and Safety and OBC Part 9-Building Envelope, or equivalent Ontario Ministry of Municipal Affairs and Housing Part 9 courses, within two years of attaining Associate Member status,

Or

B. Completion of a minimum of 40 hours (one OBC course) of additional academic training during each year after attaining Associate Member status.

4.3 Registered Home Inspector

Registered Home Inspector Members shall be persons who have completed the following qualification requirements:

1. Completion of the qualification requirements required to attain and maintain New Associate Member status, as described in Article 4.2;

2. Completion of the OAHI Defect Recognition and Reporting Course, as described in Article 4.4(e) (if not previously completed);
3. Completion of OBC Part 9-Health and Safety and OBC Part 9-Building Envelope or equivalent Ontario Ministry of Municipal Affairs and Housing Part 9 courses (if not previously completed);
4. Completion of a total of 200 fee paid inspections, as described in Article 4.4(f); and
5. Completion of Peer Review, including Inspection Report Verification of an inspection selected from the 200 fee paid inspections referred to in paragraph 4 of this Article, according to the OAHI Standards of Practice, as described in Article 4.4(d), within six months of completing the 200 fee paid inspections.

4.4 Home Inspection Education and Experience

- (a) For the purpose of Article 4.1(1)A, recognition shall only be granted to educational programs in the field of home inspection at Ontario Community Colleges that are based upon, or consistent with, the principles, practices and standards of the OAHI Standards of Practice and of the Occupational Standards for a "Professional Home/ Property Inspector" issued by Human Resources Development Canada, Canada Mortgage and Housing Corporation, ACBOA Alliance and CAHPI on May 1, 2001 and updated in June 2008.
- (b) For the purpose of Article 4.1(1)(B), other educational programs or other educational or experience qualifications, including educational and experience qualifications of out-of-province home inspectors transferring to Ontario, shall be deemed equivalent to Article 4.1(1)(A), if they (i) are conducted to standards equivalent to those of Ontario Community Colleges; and (ii) are based upon, or consistent with, the principles, practices and standards of the OAHI Standard of Practice and of the Occupational Standards for a "Professional Home/ Property Inspector" issued by Human Resources Development Canada, Canada Mortgage and Housing Corporation, ACBOA Alliance and CAHPI on May 1, 2001 and updated in June 2008.
- (c) The OAHI Practical Training requirement shall be in accordance with policy recommended by the OAHI Board of Examiners and approved by the Board of Directors from time to time.
- (d) Peer Review, including Inspection Report Verifications, shall be performed in accordance with policy recommended by the OAHI Board of Examiners and approved by the Board of Directors from time to time.
- (e) The OAHI Defect Recognition and Reporting Course requirement shall be in accordance with policy recommended by the OAHI Board of Examiners and approved by the Board of Directors from time to time.
- (f) All home inspections required by Articles 4.2 and 4.3 must be fee paid, include written reports and meet OAHI, CAHPI, ASHI, or an equivalent standard accepted by the OAHI Board of Examiners, and approved by the Board of Directors from time to time.

Article 5

Errors and Omission (Professional Liability) Insurance

5.1 Errors and Omissions Insurance

Except as provided in Clause 5.2, RHI Members, Associate Members, Candidate Members and Applicant Members are required to obtain and maintain in good standing errors and omissions insurance coverage that meets minimum coverage recommended by the Insurance Committee and approved by the Board of Directors from time to time.

5.2 Disclosure by Non-Insured Inspectors

In the absence of the errors and omissions insurance described in Clause 5.1, RHI Members, New Associate Members, Associate Members, Candidate Members and Applicant Members are required to disclose to each and every home inspection client that they do not hold errors and omissions insurance, and obtain the client's written acknowledgement of this disclosure. This Clause 5.2 shall be of no further force or effect upon the coming into force of any legislation or regulation requiring mandatory errors and omissions insurance coverage for practicing home inspectors in the province of Ontario.

Article 6

Board of Directors

6.1 Board of Directors

The affairs of the Association shall be managed by the Board of Directors ("the Board").

6.2 Number of Directors

The Board of Directors shall consist of not fewer than five (5) and not more than fifteen (15) persons elected by and from the membership of the Association as set out in the Association's Bylaws. Directors must be RHI Members or Associate Members of the Association. The Board must consist of a minimum of four (4) RHI members. The exact number of Directors shall be set from time to time by resolution of the membership..

6.3 Immediate Past President

The immediate past president shall be a member of the Board by virtue of office (ex-officio), if he or she remains an RHI Member of the Association.

6.4 Election of Directors

The Directors other than the ex-officio Director, if any, shall be elected at each annual meeting of members for a term of two (2) years. As a transitional measure, the five (5) Directors elected with the highest number of votes at the annual meeting of members in 2011 shall be elected for a term of two (2) years, and the other Directors elected at the annual meeting of members in 2011 shall be elected for a term of one (1) year. Thereafter, at each annual meeting of members, a number of Directors equal to the number of Directors whose terms are expiring at such annual meeting of members, and as necessary to fill any other vacancies in the Board, shall be elected for a term of two (2) years. Directors shall be elected by the members in a general meeting on a show of hands unless a poll is demanded and if a poll is demanded such election shall be by ballot. Members shall also be entitled to vote for the Directors by way of proxy, as provided for in Clause 11.10, made in favour of the Secretary of the Association. The notice of any general meeting at which Directors of the Association are to be elected shall include a list of the names of the candidates for the office of Director and the brief statement of experience and brief description of platform provided to the Association by such candidate. A form of proxy shall also be included with such Notice which form shall list the candidates for the office of Director and upon which the member may instruct the Secretary, as his nominee, as to the candidates for which he is to vote at the meeting. Retiring Directors shall be eligible for re-election to the Board of Directors if otherwise qualified and retiring Directors shall continue in office until their successors shall have been duly elected or appointed.

6.5 Candidates

Candidates for the office of Director shall be:

- (a) those members who shall have given written notice of their seeking the office of Director to the Secretary of the Association, together with a brief statement of experience and a brief description of platform, on or before the date which is forty-five (45) days prior to the annual meeting of members at which the Directors are to be elected; and
- (b) the persons whose names are put in nomination by any member entitled to vote at any time before nominations are closed at the meeting of members at which the election of Directors is held, and who accept such nomination.

6.6 Vacancy on the Board

From time to time in the event of any vacancy however caused occurring in the Board of Directors (except an ex-officio Director or except any vacancy caused through an increase in the number of Directors), such vacancy may, as long as there is a quorum of Directors then in office, be filled by the Directors from among the qualified members of the Association if they shall see fit to do so; otherwise such vacancy shall be filled at the next meeting of members, and any Director appointed or elected to fill any such vacancy shall hold office for the unexpired term of the Director who ceased to be a Director and who caused such vacancy.

6.7 Reasons for Vacancy

The office of a Director of the Association shall be vacated:

- (a) If s/he becomes bankrupt or a receiving order is made against him/her or he makes an assignment under the Bankruptcy Act (Canada);
- (b) If an order is made declaring him/her to be a mentally incompetent person or incapable of managing his/her own affairs;
- (c) If s/he is convicted of any criminal offence;
- (d) If by notice in writing to the Secretary of the Association s/he resigns their office and such resignation, if not effective immediately, becomes effective in accordance with its terms;
- (e) If s/he ceases to be an RHI Member; or
- (f) If s/he is absent for three (3) consecutive meetings of the Board of Directors without reasonable excuse acceptable to the Board of Directors where notice has been properly given of the meeting in accordance with Article 7.3 of this By-law, and the Board of Directors has, by resolution passed by a majority of votes, removed him/her as a Director. For the purposes of this Clause 6.7(f), "reasonable excuse" could mean an illness of the Director or a death or serious illness in the Director's family or a legal proceeding for which the Director has, except in the case of an emergency, given to the Secretary in advance written notice of his or her inability to attend a meeting. The Director shall provide, upon the request of the Board of Directors, evidence to support the reason for the absences.

6.8 Conflict of Interest Guidelines

The members of the Board of Directors shall abide by the Conflict of Interest Guidelines of the Association.

6.9 Removal and replacement of a Director

The members of the Association may, by resolution passed by at least two-thirds of the votes cast at a general meeting of which notice specifying the intention to pass such resolution has been given, remove any Director before the expiration of his term of office and may, by a majority of the votes cast at such meeting elect any RHI Member in his stead for the remainder of his term.

6.10 Remuneration and compensation

The Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit from his position as such, provided that a Director may be paid reasonable expenses incurred by him in the performance of his duties.

Nothing herein contained shall be construed to preclude any Director from serving the Association as an officer or in any other capacity and receiving compensation therefor, such compensation amounts to be included in the annual budget.

6.11 Board Representation from the Ottawa Region

The Board of Directors shall include at least one Director residing within a radius of 100 km of Ottawa, excluding the counties named in Clause 6.14, except where there are no candidates for the office of Director from within a radius of 100 km of Ottawa, excluding the counties named in Clause 6.14.

6.12 Board Representation from within the counties of Lambton, Essex, Kent, Elgin, and Middlesex

The Board of Directors shall include at least one Director residing within the counties of Lambton, Essex, Kent, Elgin and Middlesex, unless there are no candidates for the office of Director within the counties of Lambton, Essex, Kent, Elgin and Middlesex.

6.13 Board Representation from within Toronto

The Board of Directors shall include at least one Director residing within a radius of 100 km of Toronto, except where there are no candidates for the office of Director from within a radius of 100 km of Toronto.

6.14 Board Representation from within the counties of Frontenac, Hastings, Lanark, Leeds & Grenville, and Pembroke

The Board of Directors shall include at least one Director residing within any one of the counties of Frontenac, Hastings, Lanark, Leeds & Grenville, and Pembroke, unless there are no candidates for the office of Director within any one of the counties of Frontenac, Hastings, Lanark, Leeds & Grenville, and Pembroke.

Article 7

Meetings of Directors

7.1 Location

Meetings of the Board of Directors may be held either at the head office of the Association or at any other place within Ontario except that if a meeting is called for at the CAHPI National Conference, with the consent of the majority of the Board members, the meeting will be noted as duly held.

7.2 Convening a Meeting

A meeting of Directors may be convened at any time by the President or any two Directors. The Secretary, by direction of the President or any two Directors, shall convene a meeting of Directors.

7.3 Notice of a Meeting

Notice of any meeting of Directors stating the day, hour and place of the meeting shall be given to each Director at least two (2) business days before the meeting is to take place, provided always that a meeting of the Board of Directors may be held at any time without formal notice if all the Directors are present or those absent have waived notice or have signified their consent in writing to the meeting being held in their absence. Notice of any meetings or any irregularity in any meeting or in the notice thereof may be waived by any Director and such waiver may be validly given either before or after the meeting to which such waiver relates.

7.4 Notice Not Required

For the first meeting of the Board of Directors to be held immediately following the election of Directors at an annual or special general meeting of the members or for a meeting of the Board at which a Director is appointed to fill a vacancy in the Board, no notice of such meeting shall be necessary to the newly elected or appointed Director or Directors in order for the meeting to be duly constituted, provided that a quorum of the Directors is present.

7.5 Quorum

At any meeting of the Board, a majority of the Directors constitutes a quorum.

7.6 Voting on Questions

Questions arising at any meeting of Directors shall be decided by a majority of votes. In case of an equality of votes the chairperson of the meeting shall not have a second or casting vote in addition to their original vote.

Article 8

Indemnities to Directors and Others

8.1 Indemnification

Every Director or Officer of the Association or other person who has undertaken or is about to undertake any liability on behalf of the Association and their heirs, executors, administrators, legal representatives and estate and effect, respectively, shall from time to time and at all times, be indemnified and saved harmless, out of the funds of the Association, from and against:

- (a) All costs, charges and expenses whatsoever which such Director, Officer or other person sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him/her for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him/her in or about the execution of the duties of his/her office or in respect of any such liability provided that any such person shall not be indemnified and saved harmless in the event that such person in making, doing or permitting such act, deed, matter or thing whatsoever had exceeded his/her authority including, without limitation where such acts were unlawful; and
- (b) All other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof; except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

Article 9

Officers

9.1 Appointment of Officers and Directors

The Board of Directors shall annually or more often as may be required elect a President and appoint a Vice-President, a Treasurer, a Secretary, and a Registrar. The President, the Vice-President, Secretary and the Treasurer must be RHI members of the Board of Directors. The Directors may appoint such other Officers and agents as they shall deem necessary who shall have such authority and shall perform such duties as may from time to time be prescribed by the Board of Directors..

9.2 Remuneration for Officers

The Directors may fix the remuneration to be paid to Officers of the Association. Officers who are Directors shall only be entitled to the remuneration described in Clause 6.10 hereof. All Officers in the absence of agreement to the contrary shall be subject to removal by resolution of the Board of Directors at any time with or without cause.

9.3 President as Chief Executive Officer

The President shall, when present, preside at all meetings of the Board of Directors and of members of the Association. The President shall be the Chief Executive Officer of the Association. He shall possess and may exercise such powers and shall perform such other duties as may from time to time be assigned to him by the Board of Directors.

9.4 The Vice-President

The Vice-President shall be vested with all the powers and shall perform all the duties of the President in the absence or inability or refusal to act of the President. The Vice-President shall possess and may exercise such other powers and duties as may from time to time be assigned to him by the Board of Directors.

9.5 The Treasurer

The Treasurer shall collect all Association fees, and, subject to the provisions of any resolution of the Board of Directors, shall have the care and custody of all the funds and securities of the Association and shall deposit the same in the name of the Association in such bank or banks or such depository or depositories as the Board of Directors may direct. S/He shall keep or cause to be kept the books of account and accounting records of the Association. S/He shall perform all duties incident to his office, including those described in Article 20 of these Bylaws, or that are properly required of him/her by the Board of Directors. S/He may be required to give such bonds for the faithful performance of his/her duties as the Board of Directors in their uncontrolled discretion may require but no Director shall be liable for failure to require any bond or for the insufficiency of any bond or for any loss by reason of the failure of the Association to receive any indemnity thereby provided.

9.6 The Secretary

The Secretary shall, when present, act as Secretary of all meetings of Directors and members. S/He shall perform all duties incident to his/her office or that are properly required of him/her by the Board of Directors.

9.7 The Registrar

The Registrar shall perform all duties incident to his/her office, including those described in Article 10 of these Bylaws, or that are properly required of him/her by the Board of Directors.

9.8 Vacancy

If the office of the President, Vice-President, Treasurer, Secretary or Registrar shall be or become vacant by reason of death, resignation, disqualification or otherwise the Directors may appoint an Officer to fill such vacancy.

Article 10

Registrar

10.1 Maintaining the Register

The Registrar of the Association shall keep a register (the "Register") which shall show the names of all RHI Members, Associate Members, and Candidate Members of the Association in good standing and their category of membership. The Registrar of the Association shall also keep separate lists of Associate Members, Applicant Members, Retired Members, Student Members and Friends of the OAH, setting out their status and their category of membership.

10.2 Access to the Register

The Registrar shall ensure that the Register shall be open to examination by the public at the head office of the Association during normal business hours.

10.3 Issuance of Membership Certificates

The Registrar shall, on behalf of the Board of Directors, cause a certificate of membership to be issued each year to every person whose name appears in the Register, or in the list of Associate Members, Applicant Members, Retired Members and Student Members. 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.

10.4 Removal of a Member's Name from the Register

The Registrar shall, on behalf of the Board of Directors, cause the name of a member to be removed from the Register in the case of an RHI Member, New Associate Member, or Candidate Member, or the list of Associate Members, Applicant Members, Retired Members or Student Members, as the case may be,

- (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;
- (d) if the registration of the member has been suspended or revoked through disciplinary proceedings; or
- (e) if the member has failed to pay any dues or fees owing to the Association in accordance with Article 3.5.

10.5 Twenty-day Notice

The Registrar shall give notice to the members of the Association of any application for membership as Registered Home Inspector, New Associate Member, Associate Member, Candidate Member or Applicant Member. In such notice, the Registrar shall invite the written comments, either supporting or objecting to the said application being granted, and shall allow for twenty (20) days from the date of mailing for receipt of any such written comments. Any written comments received shall be forwarded by the Registrar to the Admission Review Committee and, if a complaint, to the Discipline and Professional Practices Committee.

Article 11

Meetings of Members

11.1 Annual General Meeting

The annual meeting of the members of the Association shall be held at any place within Ontario, on such day in each year and at such time as the Directors may by resolution determine. At annual meetings there shall be presented a report of the Directors of the affairs of the Association for the previous year, a financial statement of the Association and the auditor's report thereon, and such other information or reports relating to the Association's affairs as the Directors may determine.

11.2 Special Meetings

Other meetings of the members (to be known as "special meetings") may be convened by order of the President or a Vice-President or by the Board of Directors to be held at any date and time and at any place within Ontario. The President shall convene a special meeting upon the written request of 25% or more of the members entitled to vote at the meeting (i.e. RHI, Associate, Candidate, and Applicant Members).

11.3 Notice of Meetings

Notice stating the day, hour and place of meeting and an agenda setting out the nature of the business to be transacted shall be given to each member, and in the case of the annual meeting the Notice shall include the Treasurer's annual budget and annual report and the Notice shall also be given to the auditor of the Association, at least ten (10) days before the date of every meeting, provided always that a meeting of members may be held for any purpose at any date and time and at any place within Ontario without notice if all the members are present in person or represented by proxy at the meeting or if all the absent members entitled to notice of such meeting shall have signified their assent in writing to such meeting being held and such assent may be validly given either before or after the meeting to which such assent relates.

11.4 Non-receipt of Meeting Notice

The accidental omission to give notice of any meeting or the non-receipt of any notice by any member or members or by the auditor of the Association shall not invalidate any resolution passed or any proceedings taken at any meeting of members.

11.5 Voting at Meetings

Every question submitted to any meeting of members shall be decided in the first instance by a majority of votes of the members entitled to vote at the meeting (i.e. RHI, Associate, Candidate, and Applicant Members) in attendance or represented by proxy (save and except that an amendment to the Bylaws requires the vote of at least two-thirds (2/3) of the members entitled to vote (i.e. RHI, Associate, Candidate, and Applicant Members) in attendance or represented by proxy at a special meeting duly called for the purpose of considering the said Bylaw)) given on a show of hands. In case of an equality of votes the chairman shall not have a second or casting vote in addition to the vote to which he is entitled as an RHI Member, New Associate Member or Associate Member. At any meeting unless a poll is demanded a declaration by the chairman that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

11.6 Absence of a President, Vice President, or Director

In the absence of the President and the Vice-President, the members present shall choose another Director as chairman and if no Director is present or if all the Directors are present decline to act as chairman the members present shall choose one of the present to be chairman.

11.7 Demand for a Poll

If at any meeting a poll is taken on the election of a chairman or on the question of adjournment it shall be taken forthwith without

adjournment. If a poll is demanded on any other question or as to the election of Directors it shall be taken in such manner and either at once or after the adjournment as the chairman directs. The result of a poll shall be deemed to be the resolution of the meeting at which the poll was demanded. A demand for a poll may be made either before or after any vote by show of hands and may be withdrawn.

11.8 Continuation of a Meeting

The chairman may with the consent of any meeting adjourn the same from time to time to a fixed time and place and no notice of the time and place for the holding of the adjourned meeting need be given to the members. Any business may be brought before or dealt with at the adjourned meeting which might have been brought before or dealt with at the original meeting in accordance with the notice calling the same.

11.9 Quorum

At any meeting of the members of the Association, two-fifths (2/5) of the members entitled to vote at the meeting, whether present or represented by proxy, constitute a quorum and no business shall be transacted at any meeting unless the requisite quorum is present at the commencement of such business. Provided however that where less than two-fifths (2/5) of the members entitled to vote at the meeting are either present or represented by proxy, but two (2) or more of such members are present in person after one-half (1/2) hour after the commencement time specified in the notice calling the meeting of members and the business transacted is limited to the selection of a Chairman and a Secretary for the meeting, the recording of the names of those present, and the passing of the motion to adjourn the meeting with or without specifying a date, time and place for the resumption of the meeting, then two (2) persons present in person constitute a quorum.

11.10 Voting by Proxy

Every member entitled to vote (i.e. RHI, Associate, Candidate, and Applicant Members) may by means of a proxy appoint a member of the Association to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy. A proxy shall be in writing, shall be executed by the voting member, and shall only be valid for the meeting in respect of which it is given or any adjournment thereof. A proxy may be in such form as the Board of Directors from time to time prescribes or in such other form as the Chairman of the meeting may accept as sufficient, and shall be deposited with the Secretary of the meeting before any vote is called under its authority, or at such earlier time and in such manner as the Board of Directors may prescribe.

11.11 Robert's Rules of Order

Except where in conflict with these Bylaws, the rules contained in the most recent edition of Roberts Rules of Order shall govern the meetings of the members of the Association.

Article 12 Committees

12.1 The Committees

The following committees, namely, the Discipline and Professional Practices Committee, the Admissions Review Committee/Board of Examiners, the Public Relations Committee, the Education Program Committee, the Insurance Committee, the Election Committees, the Technical Review Committee, the Past President's Council, the Appeals Committee, and the Website Committee shall be constituted to assist the Board of Directors in carrying on the affairs of the Association.

12.2 Number of Committee Members

The Board of Directors shall annually or more often appoint not less than three (3) and not more than nine (9) members of the Association to be members of each of the aforesaid committees and shall designate one of the members of each committee who must be an RHI Member as Chairperson thereof, and shall designate one of the members of each committee as Secretary thereof. The President shall be ex-officio a member of each such committee except The Discipline and Professional Practices

Committee and The Admissions Review Committee/Board of Examiners, but shall not be included in the number referred to herein.

12.3 Committee Obligations to the Board

Committee members shall serve at the pleasure of the Board of Directors. Members willing to serve as chairman or members of committees shall advise the Board of Directors in writing.

12.4 Committee Meetings

The committees may meet for the transaction of business, adjourn and otherwise regulate their meetings as they think fit provided however that a majority of the members of each committee present shall constitute a quorum thereof for the transaction of business. Questions arising at any meeting of a committee shall be decided by a majority of votes. In case of an equality of votes the Chairman shall not have a second or casting vote in addition to his original vote.

12.5 Committee Procedures and Records

Each committee shall create and maintain a procedural guideline handbook to direct the actions of committee members. The chairman of a committee shall maintain a written record of all minutes of meetings of the committee and all correspondence issued and received by the committee.

12.6 Committee Reports and Confidentiality

Committees shall keep the Board of Directors informed of committee activities by quarterly reports or as otherwise requested by the Board of Directors. Committees and their members shall respect the confidentiality of any privileged information and shall be governed by the Conflict of Interest Guidelines.

12.7 Discipline and Professional Practices Committee

The Discipline and Professional Practices Committee shall review any complaints received against members and follow the Discipline and Professional Practices guidelines.

12.8 Admissions Review Committee

The Admissions Review Committee/Board of Examiners shall establish qualifications for membership, develop and evaluate course curricula, and evaluate individual applications.

12.9 Public Relations Committee

The Public Relations Committee shall develop and implement good will with the public and outside organizations to further the objects of the Association.

12.10 Education Committee

The Education Program Committee shall organize in-house speakers and seminars.

12.11 Insurance Committee

The Insurance Committee shall solicit and manage the group insurance policy (s) for the members.

12.12 Elections Committee

The Elections Committee shall be responsible for conducting the annual election of the Board of Directors

12.13 Technical Review Committee

The technical Review Committee shall make recommendations on the technical issues that affect practices of members.

12.14 Other Committees

The Board of Directors may from time to time constitute such other committees as it deems necessary and shall prescribe their duties.

12.15 Past Presidents' Council

The Past Presidents' Council shall consist of past presidents of the Association. The council shall advise the Board of Directors on an ad hoc basis as requested by the Board.

12.16 Appeals Committee

The Appeals Committee shall consist of RHI Members of the Board of Directors of the Association and any other RHI Member of the Association appointed by the Board of Directors as necessary to carry on business. Any person who has been refused any category of membership by the Admission Review Committee/Board of Examiners or who has been subject to a disciplinary sanction under the Bylaws of the Association by the Discipline and Professional Practices Committee may appeal to the Appeals Committee from the decision. The Appeals Committee may confirm, vary or rescind the decision being appealed.

12.17 Website Committee

The Board of Directors will appoint at least one Director to oversee the website committee. This person will act as a liaison for staff and members to communicate from time to time with. Members with issues must resolve the issue within the scope of the rules posted on-line and as noted in Article 34.

Article 13

Admission Review Committee (Board of Examiners and Verification Committee)

13.1 Mandate

The Admissions Review Committee shall recommend to the Board of Directors policy changes related to membership qualifications and shall administer the processing of applications. Specific responsibilities may include the following:

- (a) developing proposed qualification requirements;
- (b) administering the processing and evaluation of applications;
- (c) determining, for the purposes of Article 4.1(1)(B), courses equivalent to completion of the educational qualification requirements contained in Article 4.1(1)(A);
- (d) determining courses equivalent to other course requirements;
- (e) verifying the number of inspections completed by a member;
- (f) verifying a member's report compliance with standards for insurance eligibility;
- (g) evaluating a member's previous education and experience (i.e. conducting a "Prior Learning Assessment");
- (h) liaising with community colleges, universities and other organizations;
- (i) developing and administering the OAHF Defect Recognition Course;
- (j) establishing and setting, from time to time, application processing fees to be charged for the processing of applications for all categories of membership in the Association;
- (k) establishing and setting, from time to time, examinations for members and insurance eligibility; and,
- (l) procedures and/or lists to be posted from time to time on the members only website or mailed to members upon request.

13.2 Structure

13.2.1 General

The Admissions Review Committees shall consist of a Board of Examiners and a Verification Committee.

13.2.2 Verification Committee

The Verification Committee shall consist of a minimum of three (3) RHI Members. The committee may appoint outside persons to assist in the Committee's work.

13.2.3 Board of Examiners

The Board of Examiners shall consist of a minimum of three (3) RHI Members, plus education specialists from outside the Association at the discretion of the Board of Directors, provided that the majority of committee members are RHI Members. The Board of Examiners may appoint outside persons to assist in the Committee's work.

13.3 Verification Committee Functions

13.3.1 Processing applications for membership and upgrades of categories of membership

13.3.1.1 The committee shall develop and maintain application forms appropriate for establishing and verifying a member's eligibility.

13.3.1.2 The committee shall administer the processing of all applications.

13.3.1.3 The committee shall notify the Board of Directors and the Registrar of all accepted applications. The successful member shall be notified by the Registrar in writing that the application is accepted.

13.3.1.4 The committee shall return incomplete applications to the member.

13.3.1.5 The committee shall forward applications to the Board of Examiners where prior learning assessment is required or where recognition of an equivalent course is requested.

13.3.2 Verification procedures for applications

13.3.2.1 The committee shall verify the qualifications, certificates, and academic records submitted by the member by reference to a pre-determined procedure or list established by the Board of Examiners.

13.3.2.2 The Committee shall solicit any further documentation or clarification from the member, if needed.

13.3.2.3 The Committee shall forward to the Board of Examiners all applications where the qualifications, certificates, or academic record does not meet the pre-determined procedure or list established by the Board of Examiners.

13.3.3 Verification of written reports

13.3.3.1 The Committee shall establish a procedure for verifying that a member produces a written report that satisfies the standards of the Association.

13.3.3.2 The committee shall notify a member where the report fails to meet the standards of the Association.

13.3.3.3 A member may appeal a decision of the Verification Committee to the Appeals Committee.

13.3.4 Verification of the number of fee paid written reports

13.3.4.1 The Committee shall establish a procedure for verifying that a member has produced the required number of fee paid home inspection written reports that meet the standards of the Association and satisfy Articles 4.2(2) and 4.3(4), of the membership qualification requirements and that these reports meet the standards.

13.3.4.2 The Committee shall advise the member whether this requirement has been satisfied or not.

13.3.4.3 A member may appeal a decision of the Verification Committee to the Appeals Committee within twenty (20) days of receipt of the decision.

13.3.4.4 The associated cost of the Report verification process and the Report Verifier's remuneration will be set by the Board of Directors from time to time.

13.4 Board of Examiners Functions

13.4.1 Setting Qualification Requirements

The Board of Examiners shall determine membership qualification requirements including courses, background experience in lieu of courses, number of inspections, and other requirements as determined by the Board of Examiners. Any changes to these requirements can only be made through changes to the Bylaws of the Association.

13.4.2 Equivalent to Approved Ontario Community College education programs

13.4.2.1 The Board of Examiners shall determine whether a course or program is to be considered equivalent so as to satisfy the education qualification requirement in Article 4.1(1)(B) and, if not, shall compile a list of equivalent courses or curriculum elements that must be present for the course to be considered equivalent in accordance with Article 4.4(b).

13.4.2.2 The Board of Examiners shall communicate these requirements to the Verification Committee and the members of the Association.

13.4.3 Prior Learning Assessment

13.4.3.1 The Board of Examiners shall review individual applications on the basis of accepted Prior Assessment Learning practice.

13.4.3.2 Appeals of Prior Assessment Learning cases may be made to the Appeals Committee to determine if due process according to these policies and procedures has or has not been followed. The Appeals Committee may require that the Board of Examiners re-evaluate an appealed case, but may not overturn or substitute a decision by the Board of Examiners.

13.4.4 Liaison With Community Colleges

The Board of Examiners shall liaise with community colleges, universities, or equivalent institutions to expand the availability of home inspector courses across Ontario. The Board of Examiners shall determine which educational programs in the field of home inspection offered by such institutions meet the requirements set out in Article 4.4(a) so as to be recognized and approved as satisfying the educational qualification requirements in Article 4.1(1)(A), and shall cooperate and transfer curriculum and course information as appropriate.

13.4.5 OAHl Defect Recognition Course

13.4.5.1 The Board of Examiners shall create/update and administer a mandatory OAHl Defect Recognition Course as set out in Article 4.4(e) hereof.

13.4.5.2 The Board of Examiners shall determine other requirements (in addition to the mandatory course section) which form part of the OAHl Defect Recognition Course Program, such as equivalent acceptable courses, internship, assignments and examinations, as determined by the Board of Examiners.

Article 14

Discipline and Professional Practices Committee

14.1 Definition

This committee shall be responsible for the investigation and enforcement of violations of the Code of Conduct - Professional Practice and Conflict of Interest Guidelines as set out in Article 18 hereof, the Conflict of Interest Guidelines for Board of Directors and committee members as set out in Article 17 hereof, and any other infringement of these Bylaws, the Standards of Practice, or other regulations of the Association or any other conduct unbecoming to a member of the Association.

14.2 Investigation of Complaints

The committee shall, either upon its own motion, or upon receipt of a written complaint:

- (a) investigate and consider the conduct of any member of the Association;
- (b) enquire and determine whether any member has committed any infringement of the Bylaws or has otherwise been guilty of conduct unbecoming to a member; and
- (c) discipline any member as hereinafter provided.

14.3 Complaints

Upon receipt of a written complaint concerning the conduct of any member of the Association (hereinafter called a "Complaint"), the Secretary of the Committee shall forthwith upon receipt thereof, mail a copy of the Complaint to the member against whom the Complaint has been made (hereinafter called the "Respondent"). The Respondent shall, at the discretion of the Committee Chairman, be given not less than ten (10) and not more than thirty (30) days to deliver a reply thereto in writing addressed to the Secretary (hereinafter referred as the "Reply"). Where the Committee is proceeding upon its own motion, the Chairman may in like manner, direct the Secretary to mail to the Respondent a brief statement of the conduct or infringement being investigated by the Committee and the foregoing provisions as to Reply shall be applicable and the matter shall thereafter proceed in all respects as a Complaint by any other person concerning the conduct of a member of the Association.

14.4 Scheduling of Hearings for a Complaint

After the time limited for the Reply, subject to Clause 14.14, the Chairman of the Committee shall determine a date for the hearing of the Complaint and direct the Secretary to give to the Respondent notice in writing of the hearing and such notice shall be mailed by registered mail by the Secretary to the Respondent at least fifteen (15) days prior to the date fixed for the hearing.

14.5 No Further Action of a Complaint

The Committee may at any time, after receiving a Complaint upon its own motion and its own sole discretion, determine that no further action be taken in respect of such Complaint.

14.6 Hearing Guidelines

On the date fixed for the hearing, the Committee shall proceed with a hearing of the Complaint or of the particulars concerning any infringement or other improper conduct alleged. The failure of the Respondent or his representative to deliver a Reply or to appear at such hearing shall not prevent the hearing which may, in the discretion of the Committee, proceed in their absence. The Chairman of such hearing shall be the Chairman of the Committee or a member of the Committee named by him. In proceeding with such hearing, the Committee may proceed in such manner as in its discretion it deems advisable and shall have all the powers of an arbitrator or arbitrators under the Arbitration Act, 1991, S.O. 1991, Chap. 17. Without in any way limiting the generality of the power so conferred on the Committee, it shall have authority to summon before it for such hearing, any member of the Association or any member of the Board of Directors and to require production by any such member of such documents and records as the Committee may require. In the conduct of such hearing the Committee may:

- (a) adjourn the hearing from time to time;
- (b) proceed in such manner as it may deem proper without being bound by the rules of evidence or other legal rules, provided that it shall consider the best evidence available; and
- (c) receive evidence under oath.

14.7 Relevant Witnesses

The parties to the hearing shall be entitled to call as witnesses, any person who has knowledge of the facts touching the matters in question whether that person is a member of the Association or not.

14.8 Representation

14.8.1 The parties to a Complaint may be accompanied by a representative, legal or otherwise.

14.8.2 Notices of all hearings shall contain instructions to parties to the Complaint to state their intentions as to representation, legal or otherwise; and each of the parties will be advised by registered mail ten (10) days previous to the hearing of the other's intention regarding representation.

14.9 Documentation

The Secretary shall cause all documents, or true copies thereof, produced in evidence at the hearing to remain in the custody of the Committee until any appeal therefrom has been disposed of. Such documents shall be retained at the office of the Association. Any documents in evidence shall be considered strictly confidential by all members of the Committee and/or the Appeals Committee.

14.10 The Decision Document

The decision of a majority of the Committee members present at the hearing shall constitute a decision of the Committee and such decision shall:

- (a) be in writing;
- (b) be signed by the members of the Committee conducting the hearing;
- (c) determine whether the Respondent was guilty of the conduct referred to in the Complaint; and
- (d) specify the penalty imposed, if any.

Such decision may contain the reasons for the decision and shall contain any dissenting opinion but such dissenting opinion shall not indicate what member or members of the Committee dissent from the majority decision thereof.

14.11 Resolutions to a Complaint

The Committee may take one or more of the following actions:

- (a) dismiss the Complaint;
- (b) impose upon the Respondent any one or more of the following penalties:
 - (i) a reprimand;
 - (ii) a fine, not to exceed \$1,000.00, payable to the Association;
 - (iii) a suspension from membership of the Association or from enjoyment of any one or more of its facilities, including the right to use the designations "Registered Home Inspector" and "RHI", for such period as the Committee may deem proper;
 - (iv) expulsion from membership in the Association;
- (c) require the Respondent to complete remedial training relevant to the conduct complained of as a condition of continuance of membership in the Association, or in the event that the Respondent has been suspended, as a condition of reinstatement of membership in the Association;
- (d) order that the name of the Respondent and the Committee's decision be published if the Respondent does not appeal the decision within the time for lodging a Notice of Appeal as hereinafter provided, or if appealed, provided that the decision is not reversed by the Appeals Committee;
- (e) recommend terms of settlement of the Complaint which shall be forwarded to the parties to the Complaint, by registered mail, within ten (10) days after the Committee hearing.

14.12 Notice of Decisions and Appeal Periods

The operation of the decision shall be stayed until after the time for lodging a notice of appeal as hereinafter provided, has elapsed and if an appeal be taken until such time as the same shall have been finally determined. After such time, the Chairman of the Committee may direct the Secretary to notify all members of such decision.

14.13 Appeals to a Decision

An appeal from the decision of the DPPC or BOE Committee may be lodged by the Respondent or by the person who lodged the Complaint with the Appeals Committee by notice in writing delivered to the Secretary within ten (10) days after receipt of the decision from the Secretary. Such appeal may be from any finding that the Respondent was guilty or not guilty of the conduct referred to in the Complaint or from any penalty imposed or from both. If the Respondent is the party lodging such notice of appeal, the Respondent shall pay a fee to the Association in the amount of Three Hundred (\$300.00) Dollars. The Appeals Committee may in its discretion upon the disposition of such appeal, direct the return of all or any portion of such fee to the Respondent. The Notice of Appeal shall contain a brief statement of the grounds of appeal.

14.14 Computation of Time/Notification

Any notice or other material mailed to any member shall be conclusively deemed to have been received by such member seven (7) days after the same is mailed to the member by the Secretary by prepaid registered post, addressed to the member at his/her address as recorded with the Association.

14.15 Implementing Decisions

Any decision of the Committee, subject to any right of Appeal as herein provided or any decision of the Appeals Committee, shall be deemed to take effect immediately and any member affected thereby shall comply forthwith. Any member who fails to comply with any decision of the Committee or the Appeals Committee may be expelled from membership at any subsequent meeting of the Board of Directors.

14.16 Waiving of actions against Committee Members

No action or proceeding either at law or in equity will be brought by any member of the Association against any member of the Committee, or by reason of, any act, matter or thing done or admitted to be done or purporting to be done in pursuance of this Article of these Bylaws and this section may in any such action or proceeding be pleaded as, and shall constitute an absolute defence and any and all claims for or by reason of any such act, matter or things, shall be conclusively deemed to have been waived by all members of the Association.

14.17 Achieving a Quorum

A quorum of the Committee shall be not less than a majority of the Committee and in any event not less than three (3) members of the Committee including the Chairman. A quorum of the Committee for a hearing shall be three (3) members of the Committee and the Committee for a hearing shall always consist of an odd number of members of the Committee. All decisions are to be based on the majority vote of the members of the Committee present at the hearing.

14.18 Extension of Time for Giving Notice

The Committee may, at its discretion, extend the time for notice as provided for herein.

Article 15

Appeals Committee

15.1 Lodging an Appeal

The Appeals Committee shall deal with appeals from the decisions of the Admissions Review Committee and the Discipline and Professional Practices Committee. An Appeal from the decisions of such Committees may be lodged with the Appeals Committee by notice in writing delivered to the Secretary within ten (10) days after receipt of the decision from the Secretary or the Registrar, as the case may be.

15.2 Any such appeal shall be dealt with by the Appeals Committee which shall comprise not less than five (5) members of the Appeals Committee and who are not members of the Committee whose decision is being appealed. The Chairman shall be selected from the members of the Appeals Committee and must be a Director.

15.3 Hearing of an Appeal

The appeal shall be heard and determined in the same way as the hearing of the Discipline and Professional Practices Committee held under Article 14 hereof and the Appeals Committee may proceed in such manner as in its discretion it deems advisable and shall have all the powers of an arbitrator or arbitrators under the Arbitration Act 1991, S.O. 1991, Chap. 17. All parties to the Appeal may be represented by legal counsel. The Appeals Committee may admit new evidence which was not submitted at the original hearing.

15.4 Notice of Hearing of an Appeal

Notice of hearing of the Appeal shall be given to all parties by registered mail, by the Secretary, thirty (30) days prior to the date of such hearing. The failure of the appellant to appear shall not prevent the hearing of the Appeal in the absence of the appellant.

15.5 Appeal Review and Decision

The Appeals Committee may by its decision:

- (a) dismiss the appeal;
- (b) set aside the decision being appealed from in whole or in part;
- (c) impose any of the penalties set out in Clause 14.11 of the Bylaws.

15.6 Implementing the Decision

The decision of the majority of the Appeals Committee shall be deemed to be the decision of the Board of Directors and shall be final, binding and conclusive of all matters dealt with therein. Such decision shall:

- (a) be in writing;
- (b) be signed by the members who constituted the Appeals Committee; and
- (c) set out the disposition of appeal.

15.7 Notice of Appeal Decision

A copy of the decision shall be mailed by the Secretary to the appellant and to any other parties to the proceeding by registered mail forthwith upon receipt thereof by the Secretary. Such decisions may in the discretion of the Appeals Committee be forthwith communicated to the members of the Association.

Article 16

Insurance Committee

16.1 E & O Insurance

The committee is responsible for obtaining (as available) a group Errors and Omission insurance program or any other insurance program the Association deems necessary.

16.2 Insurance Eligibility and Coverage Requirements

The committee shall recommend insurance eligibility requirements and insurance coverage requirements to the Board of Directors.

16.3 Procedure Manual and Collection of Printed Material

The committee is responsible for compiling a procedure manual and the collection of all relevant printed material and written correspondence, issued and received by the committee.

16.4 Liaise with Insurance Providers

The committee shall liaise between the insurance provider(s) and the Association.

16.5 Status Reports

The committee shall keep the Board and the members apprised of the status of the insurance program (s) and any relevant issues.

16.6 Confidentiality

The committee shall handle all matters pertaining to individual members on a confidential basis.

Article 17

Conflict Of Interest Guidelines For Board of Directors and Committee Members

17.1 Members of the Board of Directors, Officers, and Committee members shall act in good faith towards all members and, in the performance of their duties, shall place the interests of the Association before their personal and business interests. They shall,

- (a) not use any information gained by their office for personal or business advantage if such information is not generally available to other members;
- (b) promptly disclose to the Board of Directors any interest they have which might be construed as prejudicial in any way to their decisions or actions; and
- (c) refrain from participating in any discussion, chairing a meeting, and voting on any matter which directly impacts on their own business or related interests.

17.2 Abuse of Guidelines

The Board of Directors shall refer suspected abuses of these guidelines to the Discipline and Professional Practices Committee.

Article 18

Code of Conduct - Professional Practice and Conflict of Interest Guidelines

18.1 Members shall:

- (a) Carry on the practice of Home Inspection in accordance with law, integrity and honesty;
- (b) Maintain client confidentiality;
- (c) Not act for or accept payment from more than one party concurrently in connection with the subject property unless fully disclosed to and approved by all parties;
- (d) Remain independent and at arms length from any other business or personal interests which might affect the quality of the service provided; in particular:

- (i) a member shall not repair for a fee any condition found during an inspection, nor use the inspection as a vehicle to deliberately obtain work in another field;
- (ii) a member who sells real estate may not inspect properties located within the jurisdiction of the real estate board or boards where he, or the company with which he is associated, are active; and
- (iii) a member who provides public sector inspection services may not inspect a property within a jurisdiction where they have public sector authority or responsibility that would affect the subject property;
- (e) Promptly disclose to the client any relationship to the property or interested party, business or personal interest which might be construed as affecting the member's independence;
- (f) Not solicit, receive or give referral fees;
- (g) Refer trades or other specialists only when doing so is in the best interest of the client, and does not detract from the member's independence;
- (h) Only provide an opinion on conditions and matters within the scope of the member's expertise, education, experience and profession;
- (i) Only provide services that are within the scope of the member's training and expertise;
- (j) Provide the client with a written contract and written report that outlines the scope, limitation, and applicable standards of the services performed; and
- (k) Act in good faith to all, uphold the integrity and reputation of the profession, respond promptly to complaints.

Article 19

Use of Association's Name, Acronym "OAH" and Logo

19.1 Subject to Clause 19.2, entitlement to use of the Association's name, acronym and logo shall be as follows:

- (a) RHI Members of the Association shall be entitled to use the official logo of the Association and make reference to the name of the Association, its acronym, OAH, and their membership in the Association on their letterhead, as well as in advertising and in promotional materials subject to the usage policy approved by the Board of Directors from time to time;
- (b) All other members of the Association are also entitled to use the official logo of the Association and make reference to the name of the Association and its acronym, OAH, in the manner specified above, provided that:
 - i) Associate Members of the Association are required to display or expressly set out that they are an "Associate Member" of the Association in connection with any such usage or reference;
 - ii) Candidate Members of the Association are required to display or expressly set out that they are a "Candidate Member" of the Association in connection with any such usage or reference;
 - iii) Retired Members of the Association are required to display or expressly set out that they are a "Retired Associate Member of the Association", unless they have fulfilled the requirements of RHI Member, in which case they are required to set out that they are a "Retired RHI Member of the Association", in connection with any such usage or reference; and
 - iv) all other members of the Association are required to display or expressly set out their category of membership in the Association in connection with any such usage or reference.

19.2 Members may only make reference to the name of the Association and its acronym, OAH, in association with the business firms, corporations, partnerships or proprietorships in which they conduct their home inspection business where the following conditions are met:

(Members may only make reference to the name of the Association and its acronym, OAH, in association with the business firms, corporations, partnerships or proprietorships in which they conduct their home inspection business where the following conditions are met:

- (a) all home inspectors under the firm name are RHI Members, Associate Members, Candidate Members or Applicant Members, under the direct supervision of an RHI Member, Associate Member, or Candidate Member in the same office or geographic area;
- (b) all home inspectors under the firm name comply with the requirements of Article 5;
- (c) the ratio of Applicant Members to RHI Members, Associate Members, and Candidate Members is not more than 4:1;
- (d) a supervising RHI Member, Associate Member, or Candidate Member agrees in writing to assume responsibility for the adherence to the Association's standards and regulations by any Applicant Members under the firm name; and
- (e) all of the members under the firm name assume responsibility for the actions of the firm in the use of the Association's name and acronym, and such use must not detract from the goodwill and reputation of the Association or of other members or their firms

Article 20

Annual Budget and Financial Reports

20.1 Proposed Budgets

The Treasurer shall submit for approval of the members of the Association at each annual meeting of the members of the Association an annual budget which shall, to the extent possible, provide for the following:

- (a) expenses not exceeding revenues unless a special assessment is proposed;
- (b) conservative revenue projections;
- (c) expenses of administration not exceeding thirty (30%) percent of expenses; and
- (d) the allocation of funds based on the needs of the different membership categories and geographic areas, according to the proportion of the current members in these categories and geographic areas.

20.2 Amendments to Approved Budgets

The Treasurer may propose budget amendments during the fiscal year for the approval of the members of the Association, which may incorporate surplus revenues or reallocate previously budgeted amounts. Notice of all budget amendments shall be published in the Notice of the Meeting of members at which approval of such budget amendment is sought.

20.3 Treasurer's Reports

The Treasurer shall provide a summary report to the Board and to members quarterly, and an annual report in advance of the annual meeting.

Article 21

Approval of Expenditures - Cheques, Drafts, Notes, etc.

21.1 Authorization

No expenditure on behalf of the Association shall be authorized or paid without prior written approval of the Treasurer or such other person designated by resolution of the Board of Directors in the absence of the Treasurer.

21.2 Documentation

Any expenditure over \$500, or related expenditures totaling over \$500.00, may not be authorized unless the requisition therefore is accompanied by documentation showing that competitive bids were solicited or indicating justification for the expenditure.

21.3 Approval by Membership

The Board of Directors shall obtain the approval of the members of the Association in advance for any financial commitment or expenditure greater than \$6000 or any related financial commitments or expenditures totaling greater than \$6,000.

21.4 Required Signatures

All cheques, drafts or orders for the payment of money and all notes and acceptances and bills of exchange shall be signed by two (2) members of the Board of Directors, of which one shall be the Treasurer or such person designated by resolution of the Board of Directors in the absence of the Treasurer.

Article 22

Auditor

22.1 Appointment

The members shall at each annual meeting appoint an auditor to audit the accounts of the Association and to hold office until the next annual meeting, provided that the Directors may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be fixed by the Board of Directors.

Article 23

Execution of Contracts, etc.

23.1 Required Signatures

Contracts, documents or instruments in writing requiring the signature of the Association may be signed by the President and the Treasurer, or the President and such other person designated by resolution of the Board of Directors in the absence of the Treasurer, and all contracts, documents or instruments in writing so signed shall be binding upon the Association without any further authorization or formality. The Board of Directors is authorized from time to time by resolution to appoint any Officer or Officers or any person or persons on behalf of the Association either to sign contracts, documents or instruments in writing generally or to sign specific contracts, documents or instruments in writing.

Article 24

Financial Year

24.1 Year-end Date

The Financial Year of the Association shall terminate on the 30th day of September in each year or on such other date as the Directors may from time to time by resolution determine.

Article 25

Banking Arrangements

25.1 Authority

The banking business of the Association shall be transacted with such banks, trust companies or other firms or corporations as may from time to time be designated by or under the authority of the Board of Directors. Such banking business or any part thereof shall be transacted under such agreements, instructions and delegations of powers as the Board may from time to time prescribe or authorize.

Article 26

Books and Records

26.1 Maintaining Books and Records

The Board of Directors shall see that all necessary books and records of the Association required by the Bylaws of the Association or by any applicable statute are regularly and properly kept.

Article 27

Borrowing by the Association

27.1 Authority

Subject to the limitations set out in the Bylaws, the Board of Directors may:

- (a) borrow money on the credit of the Association;
- (b) issue, sell or pledge securities of the Association; or
- (c) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the Association, including book debts, rights, powers, franchises and undertakings, to secure any securities or any money borrowed, or other debt, or any other obligation or liability of the Association.

27.2 Limitations

Provided that except where the Association borrows on the security of its real or personal property, its borrowing power shall be limited to borrowing money for current operating expenses.

Article 28

Notices

28.1 Definition

Except where otherwise provided in these Bylaws, any notice (which term includes any communication or document) to be given, sent, delivered or served pursuant to the Act, the Bylaws or otherwise to a member, Director, Officer or auditor shall be sufficiently given if delivered to his/her last address as recorded in the books of the Association or if mailed by prepaid ordinary mail or airmail addressed to him/her at his/her last address as recorded in the books of the Association, or if delivered by electronic mail (email) to him/her at his/her last email address as recorded in the books of the Association. The Secretary may change the address on the Association's books of any member, Director, Officer or auditor in accordance with any information believed by him/her to be reliable. A notice so delivered shall be deemed to have been given when it is delivered personally or at the address aforesaid and a notice so mailed shall be deemed to have been given when deposited in a post office or public letter box. Members are responsible for updating the on-line database with their information.

28.2 Computing Number of Day's Notice

In computing the date when notice must be given under any provision requiring a specified number of days' notice of any meeting or other event, the date of giving the notice shall be excluded and the date of the meeting or other event shall be included.

28.3 Accidental Omission to Give Notice

The accidental omission to give any notice to any member, Director, Officer or auditor or the non-receipt of any notice by any member, Director, Officer, or auditor or any error in any notice not affecting the substance thereof shall not invalidate any action taken at the meeting held pursuant to such notice or otherwise founded thereon.

Article 29

Bylaws

29.1 Amendments

The Bylaws of the Association may be repealed or amended by

- (a) Bylaw enacted by a majority of the Directors at a meeting at the Board of Directors and sanctioned by an affirmative vote of at least two-thirds (2/3) of the members entitled to vote (i.e. RHI, Associate, Candidate, and Applicant Members) in attendance or represented by proxy at a special meeting duly called for the purpose of considering the said Bylaw, or
- (b) Bylaw proposed by a petition of 25% of the members entitled to vote (i.e. RHI, Associate, Candidate, and Applicant Members) (in accordance with Article 11(2) and sanctioned by an affirmative vote of at least two-thirds (2/3) of the members entitled to vote (i.e. RHI, Associate, Candidate, and Applicant Members) in attendance or represented by proxy at a special meeting duly called for the purpose of considering the said Bylaw.

29.2 Notice of Proposed Amendments

The Board shall endeavour to advise the membership of proposed Bylaw changes, solicit opinions of the members and committees affected by the proposals, and provide a forum for discussion before Notice of any proposed repeal or amendment.

Article 30 - Mandatory Upgrading Requirements

30.1 Mandatory Upgrading Requirements Approval

Mandatory Upgrading Requirements shall be set by the Board of Directors and approved by two - thirds of eligible voting members present or represented by proxy at a special meeting prior to implementation.

30.2 Mandatory Update Requirements

Every Registered Home Inspector Member shall be required to complete the OAHI Mandatory Update Requirement every five years. The OAHI Mandatory Update Requirement shall be in accordance with policy recommended by the OAHI Board of Examiners and approved by the Board of Directors from time to time and shall comprise:

- a) Completion of Peer Review according to the OAHI Standards of Practice, in accordance with policy as set by the Board of Examiners and approved by the Board of Directors from time to time; and
- b) Completion of a course covering recent technical and other issues of concern to home inspection practitioners, as directed by the Board of Examiners and approved by the Board of Directors from time to time.

Article 31 - Continuing Education Requirements

31.1 Programs Approval

Continuing Education Requirements shall be education programs related to the practice of home inspection, as approved by the Board of Examiners.

31.2 Annual Requirement

Every New Associate Member who has completed OBC Part 9-Health and Safety and OBC Part 9-Building Envelope, or equivalent Ontario Ministry of Municipal Affairs and Housing Part 9 courses, and every Registered Home Inspector Member, shall be required to complete a minimum of 20 instructional/contact hours every year. Any excess hours completed in any year, up to a maximum of 20 hours, may be applied towards meeting the Continuing Education annual requirement in the following year.

Article 32

Members' Only Website

32.1 Knowledge Café Use Policy

The Discussion Board (Knowledge Café) on the OAHI "Member's Only" section of the website, is strictly governed by the policy available on-line to be set by the Board of Directors from time to time. Use of the Knowledge Café, by any member signifies acceptance of the stated policy. Requests for amendments to the policy may be directed to the Board for their review.

Article 33

Gender-neutral language

33.1 Impartiality

In these Bylaws, words importing the use of any gender shall include the masculine, feminine and neuter genders.

PASSED by the Directors and sealed with the seal of the Association, the 21st day of March, 1995.

Updated May 2011.

Bylaw Amendments Summary

APPROVAL

No. ARTICLE	DATE	AMENDMENT DESCRIPTION
1. Article 6 (12)	September 19, 1995	Ottawa area director - added
2. Article 4	May 21, 1996	Deletion of Grandfather references, clarification of courses
3. Article 30	May 21, 1996	Introduction to Home Inspection credits
4. Article 30 1b, 2b	Jan 21, 1997	Include use of CAHPI Exam as entrance requirement - added
5. Article 5	May 22, 1997	Board may allow alternate insurance coverage - amended
6. Article 4e	May 19, 1998	Continuing Education and Mandatory Upgrading – added
7. Article 31	May 19, 1998	Mandatory Upgrading - added
8. Article 32	May 19, 1998	Continuing Education - added
9. Article 6(13)	June 8, 1999	Southwestern Ontario area director – added
10. Article 29	November 21, 2000	Amended to clarify 2/3 of RHI members
11. Article 11(5)	November 21, 2000	Amended to clarify 2/3 of RHI members
12. Article 3	November 21, 2000	Amendment and additions to membership categories
13. Article 5	November 21, 2000	Amendment to reflect changes in errors & omissions insurance
14. Article 10	November 21, 2000	Amendment to reflect changes in membership categories
15. Article 19	November 21, 2000	Amendment to reflect changes & additions to use of Association's name & acronym to other categories
16. Article 6(13)	November 21, 2000	Change in Southwestern Ontario Meeting group director
17. Article 3(4a)	February 27, 2001	Amendment to change OAH Standards of Practice to be the January 1, 2000 version of ASHI Standards.
18. Article 3(3)(a)(1)	October 30, 2001	Amendment to reflect changes & additions re qualification requirements
19. Article 6(3)	October 30, 2001	Amendment and additions re board of directors
20. Article 6(14)	October 30, 2001	Additional directors created to board on Merger Date - added
21. Article 6(15)	October 30, 2001	Amendment to reflect # of PACHI directors required to be on board for one year – added
22. Article 12(2)	October 30, 2001	Amendment to reflect PACHI members on committees
23. Article 7(6)	October 30, 2001	Amendment to reflect majority of votes exception
24. Article 12(15)	October 30, 2001	Amendment to clarify Past Presidents Council
25. Article 33	October 30, 2001	Merger with PACHI - added
26. Article 3	February 19, 2002	Amendment to add additional membership category
27. Article 3.3(a)(1)	February 19, 2002	Addition of article 33.6 to line
28. Article 3.3(c)	February 19, 2002	Amendment re clarification of Applicant members
29. Article 3.3(e)	February 19, 2002	Amendment re clarification of Retired members
30. Article 3.3(g)	February 19, 2002	Addition of article 3.3(g) re Practicing members
31. Article 3.4(b)	February 19, 2002	Amendment re mandatory insurance coverage
32. Article 3.4(e)	February 19, 2002	Amendment re mandatory upgrading & CEU's
33. Article 4.1(i)(e)	February 19, 2002	Deleted – covered by Article 3.4(e)
34. Article 4.3	February 19, 2002	Addition of report verification clause
35. Article 5	February 19, 2002	Amendment to include Practicing Members re insurance coverage
36. Article 13.1(k)	February 19, 2002	Additional clause re examinations for Applicant members
37. Article 19.1(a)	February 19, 2002	Amendment re usage policy of name of Association, logo & acronym – for RHI members
38. Article 19.1(b)	February 19, 2002	Amendment clause re usage policy of name of Association, logo & acronym – for Associate, Practicing & Applicant members
39. Article 19.1(d)	February 19, 2002	Addition of new bylaw re usage policy of name of Association, logo & acronym – for Retired Members
40. Article 33.5	February 19, 2002	Addition of new bylaw re transfer of PACHI Full Members to Practicing Members
41. Article 33.6	February 19, 2002	Addition of new clause re transfer of Practicing Members to RHI status
42. Article 33.7	February 19, 2002	Addition of new clause re Practicing Members who have not fulfilled all requirements within 1 year of Merger Date
43. Article 33.8	February 19, 2002	Addition of new clause re non-practicing PACHI members
44. Article 3.2	March 18, 2003	Amendment re Friends of the OAH
45. Article 6.12	March 18, 2003	Change in Ottawa Director area
46. Article 6.16	March 18, 2003	Addition of Toronto area Director
47. Article 6.17	March 18, 2003	Addition of Kingston area Director
48. Article 10.6	March 18, 2003	Amendment to upgrade notices
49. Article 12.4	March 18, 2003	Changed committee quorum to a majority
50. Article 12.16	March 18, 2003	Amended to allow non-Directors on Appeals Committee
51. Article 15.2	March 18, 2003	Amendment to support 12.16
52. Article 28.1	March 18, 2003	Amendment to permit electronic notice
53. Article 34	March 18, 2003	Added gender clarification
54. Article 3	November 25, 2003	Various amendments to move insurance requirements to Art. 5.
55. Article 5	November 25, 2003	Amended to allow option of disclosing insurance status
56. Article 16	November 25, 2003	Amended to clarify Insurance Committee role
57. Article 19	November 25, 2003	Amended to support Art. 5.
58. Article 21.3	February 25, 2005	Amended to approve expenditures greater than \$6000
59. Article 3.3 (b)	February 25, 2005	Amended to grant full voting rights to Associate members
60. Article 2.9	February 25, 2005	Amended to provide members with greater opportunity to participate in changes to the Bylaws
61. Article 4.1	February 25, 2005	Addition of Ethics and Professional Practice Requirement and Plumbing Requirement

APPROVAL

No.	ARTICLE	DATE	AMENDMENT DESCRIPTION
62.	Acronyms	March 3, 2007	Addition of acronyms into the Bylaw which the OAHl utilizes in its day-to-day operations
63.	Various Articles	March 3, 2007	Re-numbering of Bylaws; articles, subsections, paragraphs, clauses, sentences, and article references
64.	Various Articles	March 3, 2007	Capitalization of the words Board of Directors , Director , Officer , and Bylaws
65.	Various Articles	March 3, 2007	Gender specific language, wherever possible, to include both genders or to be non-gender specific
66.	Various Articles	March 3, 2007	Addition of titles to sections wherever practical
67.	Article 3.2	March 3, 2007	Amended to further define Granting of Membership
68.	Article 3.3	March 3, 2007	Amended to further define Membership Categories and Privileges
69.	Article 3.3.7	March 3, 2007	Deleted re: Granting of Membership; definition of Practicing Members 3.3 (g)
70.	Article 3.3.7	March 3, 2007	Addition of an International Membership Category
71.	Article 3.4	March 3, 2007	Amended to further define Obligations of Members
72.	Article 3.4 (f)	March 3, 2007	Addition of clause re: Obligations of Members, unresolved complaints; participation, suspension
73.	Article 3.7	March 3, 2007	Addition of clause re: Membership and reinstatement fees
74.	Article 4	March 3, 2007	Amended to further define Membership Qualification Requirements
75.	Article 5	March 3, 2007	Addition of section titles re: Errors and Omission Insurance
76.	Article 6.2	March 3, 2007	Deleted re: responsibilities of the Board of Directors, the first board
77.	Article 6.14	March 3, 2007	Deleted re: responsibilities of the Board of Directors, OAHl-PACHI merger
78.	Article 6.15	March 3, 2007	Deletion of all references to OAHl-PACHI merger
79.	Article 7.1	March 3, 2007	Amended to further define meetings of the Board of Directors
80.	Article 10.4	March 3, 2007	Amended to further define responsibilities of the Registrar
81.	Article 10.5	March 3, 2007	Deleted re: responsibilities of the Registrar, restoration of a member's name to the Register
82.	Article 12.1	March 3, 2007	Addition of Past Presidents' Council and Website Committees
83.	Article 12.2	March 3, 2007	Deletion of all references to OAHl-PACHI merger
84.	Article 12.15	March 3, 2007	Deletion of all references to OAHl-PACHI merger
85.	Article 12.17	March 3, 2007	Addition of clause to define Website Committee Director
86.	Article 13.1 (l)	March 3, 2007	Addition of clause to further define Admissions Review Committee responsibilities
87.	Article 13.3	March 3, 2007	Amended to further define Verification Committee functions
88.	Article 13.4	March 3, 2007	Amended to further define Board of Examiners functions
89.	Article 14	March 3, 2007	Amended to further define functions of the Discipline and Professional Practices Committee
90.	Article 18.1 (k)	March 3, 2007	Addition of clause providing written contracts and reports to clients
91.	Article 19.1	March 3, 2007	Amended to further define use of Association's name and acronym "OAHl"
92.	Article 28.1	March 3, 2007	Amended to further define member responsibilities regarding notices
93.	Article 29.2	March 3, 2007	Deleted re: Notice period for proposed repeal or amendment of the Bylaws
94.	Article 30.1	March 3, 2007	Amended to further define Home Inspection Practical requirements
95.	Article 33	March 3, 2007	Updating of existing text referring to PACHI-OAHl merger
96.	Article 34	March 3, 2007	Gender-neutral language amended to become Article 35
97.	Article 34 (New)	March 3, 2007	Addition of new Article; definition for "members' only" Knowledge Café website
98.	Article 3	December 7, 2010	Amendment to create new membership categories of New Associate Members and Candidate Members
99.	Article 4	December 7, 2010	Amendment of Membership Qualification Requirements of existing and new membership categories including recognition of the National Occupational Standards ("NOS") for a "Professional Home/Property Inspector" and recognition of approved educational programs in the field of home inspection from Ontario Community Colleges, or equivalent courses to provide for transferability of credentials of home inspectors from other provinces
100.	Article 13	December 7, 2010	Amended to further define mandate of Admission Review Committee to reflect changes to Membership Qualification Requirements
101.	Article 30	December 7, 2010	Deletion of former Home Inspection Practical Requirement
102.	Article 31.2	December 7, 2010	Amended to increase Continuing Education Requirements to 20 hours every year
103.	Article 33	December 7, 2010	Deletion of references to OAHl-PACHI merger membership qualifications stream
104.	Article 30.2(New)	December 7, 2010	Addition of new Article to specify Mandatory Update Requirements
105.	Article 19	December 7, 2010	Amended to extend use of name, acronym and logo to all categories of members
106.	Article 5.2	May 16, 2011	Amended to provide that clause is of no further force or effect if errors and omissions insurance coverage is made mandatory for practicing home inspectors in the province of Ontario.
107.	Article 6.4	May 16, 2011	Amended to provide that directors are elected to a term of two years and to provide for staggered terms.
108.	Article 6.7	May 16, 2011	Amended to provide for removal of a director who is absent for three consecutive meetings without reasonable excuse.
109.	Article 6.10	May 16, 2011	Amended to provide that directors may receive compensation for serving the Association as an officer or in any other capacity.
110.	Article 18.1	May 16, 2011	Amended to remove prohibition on a member commenting on the work of another member without discussing the observations with the member concerned, and to specify that members shall only provide services that are within the scope of their training and expertise.
111.			Amended to encompass Bylaw changes to March 6/2015 AGM .