

National Home Inspector Certification Council

SO WHO OWNS THE NCP (NATIONAL CERTIFICATION PROGRAM)?

In the past there's have been lots of misleading information circulated and threats of legal action about the issue of who owns the National Certification Program for Home & Property Inspectors in Canada. The purpose of this paper is to clear up this issue and provide a few facts.

The National Certification Program was developed in 2003 through "industry" input. It was principally supported by public tax dollars. Yes - others did contribute, but the development of a national certification scheme was designed to be an "industry asset", not just one association asset as some claimed it to be. A national initiative to address an anticipated need for more home inspectors and building officials was launched by the Construction Sector Council.

The project was controlled by a MoU (Memorandum of Understanding) that notes:

More specifically, this project will:

- Identify and develop an accreditation model for each sector;
- Identify and develop a certification model for each sector.

More importantly regarding the question - INTELLECTUAL PROPERTY

It is the intention of the Canadian Home Inspectors and Building Officials (CHIBO – II) to create a vehicle by which copyright to programs developed under this initiative shall be held and maintained by the industry. Failing agreement within a reasonable time within the signing of this MOU any party thereto may apply to have the terms of such an understanding set by arbitration pursuant to the Arbitration Act of Ontario.

This certification and accreditation initiative is one of many human resource initiatives developed by the Construction Sector Council addressing the current and future human resource needs of the construction industry in Canada. The CSC (now BuildForce Canada) is a not-for-profit, independent partnership organization established in 2001, made up of representatives from labour, business and government.

In 2006 the initial National Certification Program was launched under CAHPI administration as a "pilot project". It was unexpectedly terminated by CAHPI in April of 2010, without input from the "certificate holders". CAHPI who managed the "program" announced *"The provincial or regional chapters of CAHPI will maintain all national certificates until the certificates expire in 2011. When inspectors' certificates expire in 2011, their status as national certificate holders or candidates will terminate. Action will be taken to communicate with national certificate holders and candidates to advise them of these developments, and of the options available to them for reimbursement, education, and accreditation."*

In fact several previous offers by the "elected" National Certificate Holder directors over several years were tabled to CAHPI. In June of 2010 the majority of the former "elected certificate holders" representatives of the National Certification Program approached CAHPI regarding a friendly taking over the National Certification Program to assure continuity and independence for the 400 plus "certificate holders". This offer fell through, hence the decision to create a new independent national certification entity to represent and uphold the value invested in the National Certification Program. Thus the National Home Inspector Certification Council (NHICC) was created. The NHICC is an independent national corporation registered under the Canada Corporation Act with Industry Canada on May 10, 2010.

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As a follow-up the NHICC held meetings with the Construction Sector Council and CMHC to assure the legitimate rights to use the National Certification Program and National Occupational Standards as the new independent certification scheme. There are a number of documents to support the NHICC's right and claim to use the NCP.

In a letter from a stakeholder it notes: *"I am glad to see that the Construction Sector Council (CSC) has issued its letter of support to the NHICC for the continuation of the National Certification Program (NCP) and keeping it open to every home inspector in Canada. This is a very favourable outcome from the CSC home inspection industry meeting that was held to resolve the issues and confusion created by CAHPI this past fall."*

In the above statement the stakeholder refers to the fact that at a meeting held August 31, 2010, sponsored/facilitated by the Construction Sector Council, in which CAHPI and the NHICC met to:

To ensure the existence of an accessible, credible national framework for the training and certification of Home Inspectors in Canada by:

- *Clarifying the opportunity*
- *Clarifying the issues*
- *Identifying a mechanism/means to implement and administer the training/certification framework*
- *Identifying the next steps – path forward*

There was not a consensus on a specific certification scheme.

Because of the impasse, NHICC representatives proposed that a committee be struck as follows:

- *Each group would select 3 members to sit on a committee – members who are not part of the group that met on August 31, 2010.*
- *The committee would have 30 days to work.*
- *The committee would be charged with considering the outcomes of this meeting, and the 2 proposals that had been tabled, and developing a model to satisfy both interests/needs.*
- *The recommendations from the committee would be non-binding, and would be brought back to this group for decision.*

Bottom line: CAHPI representatives declined to participate.

That officially spelled the end of trying to find "common ground" for the administration of the National Certification Program.

More recently a Construction Sector Council letter requested by the NHICC from August 2012 notes:

"The CSC has ownership of the copyright for the framework and the NOS. As such, the CSC has the right to grant non-exclusive rights to industry groups to use the framework and NOS." (*National Occupational Standard)*

"We have provided letters to various industry groups and associations indicating they have the non-exclusive right to use the framework."

So - it is now perfectly clear that the Construction Sector Council holds the ownership rights for the industry groups – PERIOD. Anyone claiming "ownership" is simply misleading not just their members but the public in making a claim of ownership of the National Certification Program.