



Skilled Trades BC Appeal Board

Citation: *Qarqeinyer v SkilledTradesBC*, 2026 BCSTAB 1

File No.: STB-STBCA-26-A001

Decision Date: 2026-07-02

Method and Dates of Hearing: Conducted by way of oral hearing on June 29, 2026.

Decision Type: Final Decision

Panel: Richard Grounds, Chair
Gavin Hoekstra, Member
Joel Feenstra, Member

Appealed Under: Section 45(1) of the *Skilled Trades BC Act*, S.B.C. 2022, c. 4

Between:

Faiz Qarqeinyer

Appellant

And:

Deepti Sharma, Review Officer, SkilledTradesBC

Respondent

Appearing on Behalf of the Parties:

For the Appellant: Faiz Qarqeinyer

For the Respondent: Deepti Sharma

FINAL DECISION

INTRODUCTION

[1] This is an appeal by Faiz Qarqeinyer (the "Appellant") from a decision of Deepti Sharma, Review Officer, SkilledTradesBC (the "Respondent") that confirmed the Appellant's mark of 69% on a February 12, 2026 Truck and Transport Mechanic Red Seal Interprovincial Exam.

BACKGROUND

[2] The Appellant works as a truck and transport mechanic in British Columbia. Based on his extensive experience working as a truck and transport mechanic, the Appellant applied as a Trade Qualifier with SkilledTradesBC to challenge the Truck and Transport Mechanic Red Seal Interprovincial Exam to obtain his Red Seal Truck and Transport Mechanic Certification. Trade Qualifiers can only take Red Seal Interprovincial Exams a maximum of four times and a pass mark of 70% is needed to pass the exam. The exams are multiple choice with the answers recorded on a separate Scantron answer sheet.

[3] The Appellant attempted the Truck and Transport Mechanic Red Seal Interprovincial Exam in August 2025 and achieved a mark of 69%. The Appellant attempted the exam a second time in January 2026 and achieved a mark of 61%. The Appellant attempted the exam a third time on February 12, 2026 and achieved a mark of 69%. The Appellant did not achieve the required pass mark of 70%.

[4] On March 9, 2026, the Appellant requested a review by SkilledTradesBC of the February 12, 2026 exam outcome on the basis that there had been a "failure to observe the principles of natural justice and procedural fairness in making the decision."

[5] In his Request for Review of Decision or Order Form, the Appellant stated that he believed he had passed the exam and that there must be some error in the marking process. The Appellant did not think it could happen that he would fail the exam a third time, within one percent. The Appellant stated that he would be "jobless" if he did not obtain his Red Seal certification.

[6] On April 22, 2026, the Respondent completed her Review Decision relating to the Appellant's request for review. The Review Decision explained that the Scantron answer sheets used for multiple choice exams are marked twice electronically and scored by computer. The Respondent's reasons summarily stated:

I have examined and considered your request for review.

SkilledTradesBC has remarked your exam and I am confirming your February 12, 2026, Truck and Transport Mechanic Red Seal Interprovincial Exam result at 69 percent.

[7] On April 22, 2026, the Appellant appealed the Respondent's decision to the Skilled Trades BC Appeal Board (the "Appeal Board"). In his Notice of Appeal, the Appellant stated that he could not believe that "every" exam attempt is 69% and that the Review Officer's Decision

was created by AI (artificial intelligence)¹ with no human involvement. The Appellant believed that he had passed the first and third exams he had attempted and that there is an error in the SkilledTradesBC system.

ISSUE

[8] The issue to be decided is whether there was an error of law or failure to observe the principles of natural justice and procedural fairness by SkilledTradesBC in marking the Appellant's February 12, 2026 Truck and Transport Mechanic Red Seal Interprovincial Exam resulting in a mark of 69%.

RELEVANT LAW

[9] Section 17(1) of the *Skilled Trades BC Act*, (the "*Act*"), provides that SkilledTradesBC may establish a system to determine if a person is a Trade Qualifier and requirements that the person must meet.² Section 17(4) of the *Act* provides that if a Trade Qualifier satisfies the requirements, SkilledTradesBC must award to the person a Certificate of Qualification or other industry training credential, as applicable.

[10] SkilledTradesBC has established a system for the trade of Truck and Transport Mechanic to obtain a Red Seal Certificate of Qualification by challenging the Certification Exam (the Interprovincial Red Seal Exam) as a Trade Qualifier. SkilledTradesBC allows Trade Qualifiers a maximum of four attempts to write a Certification Exam.

[11] Currently, the SkilledTradesBC Trade Qualifier Policy provides that "Trade Qualifiers with four (4) unsuccessful Certification Exam attempts who wish to register as apprentices will be placed at the final level of the applicable program, receive full hours credit, and must complete the required technical training before being eligible to write the certification exam."³ This will change as of August 1, 2026, and Trade Qualifiers will no longer be placed at the final level of the applicable trade program but must register as an apprentice and take all levels of technical training or apply to become a Level Challenger.

[12] Section 43(1)(f) of the *Act* provides that a person who is subject to a decision relating to an examination or assessment of their training by SkilledTradesBC may request a review of the decision by a Review Officer. Section 43(5) of the *Act* provides that the Review Officer's decision must be made within a prescribed time, in writing, include reasons for the decision and include a notification of the person's right to appeal the decision to the Appeal Board.

[13] Section 45(1) of the *Act* provides that a person who is dissatisfied with a decision of a Review Officer may appeal it to the Appeal Board. Section 45(2) of the *Act* provides that the

¹ The Appellant used the letters "EI" in his Notice of Appeal but it is clear that the Appellant's concern related to "AI".

² The wording in the Act references "corporation" but "corporation" is defined as "SkilledTradesBC".

³ SkilledTradesBC, "Upcoming Policy Changes Affecting Level Challengers and Trade Qualifiers" 15 April 2026 <https://skilledtradesbc.ca/upcoming-policy-changes-level-challengers-trade-qualifiers> (accessed 2 July 2026).

Appeal Board may: dismiss the appeal; allow the appeal and give directions, if any that the appeal board considers appropriate in the circumstances; vary a decision or order; or set terms and conditions to which the order is subject.

[14] Unlike the previous section 11(1) of the *Industry Training Authority Act*, S.B.C. 2003, c. 34, which identified the decision maker for the decision being appealed as the Chief Executive Officer of the Industry Training Authority, sections 43(3) and 45(1) of the *Act* identifies the decision maker for the decision being appealed as the Review Officer.

THE APPEAL HEARING

[15] SkilledTradesBC's position was that the established policy had been followed in marking the Appellant's exam and that the review process had confirmed the mark of 69%.

[16] SkilledTradesBC presented evidence from four witnesses:

- a. The Respondent, Deepti Sharma, Review Officer, who testified about her Review Decision confirming the Appellant's mark of 69%, and also testified about accommodation discussions with the Appellant for his next exam attempt, including the Appellant's request for an additional examination attempt;
- b. Kathryn Rockwell, Director, Program Standards & Assessments, who testified about certification examinations and scoring, as well as policy rationales;
- c. David Senyard, Apprenticeship Advisor, who testified about conversations with the Appellant related to exam preparation assistance and accommodations; and
- d. Aidan Cheung, who was assigned to review the Appellant's exam mark as part of the Request for Review process.

[17] The Appellant's position was that the repeated failing marks were suspicious and that he would have passed the exam if his answers were reviewed by a truck and trailer professional.⁴ The Appellant testified on his own behalf, primarily related to his beliefs about the suspicious nature of his marks and that he was certain he had passed the exam.

[18] The third examination attempted by the Appellant had 135 multiple choice questions and the answers were filled in on a separate bubble sheet. Persons who take the exam have the option of providing feedback or comments about the exam after they finish. The Appellant thought he had done this after one of his earlier exams but he did not do this for his third exam.

[19] The answer sheets contain identifying information about the exam taker and the completed bubbles which are used to mark the exam, but the exam questions are not included on the answer sheet. The content of the exam is prepared by Red Seal Certified Truck and Transport Mechanic professionals and the answers are validated by industry professionals. SkilledTradesBC then uses trained office staff to mark the exams, which essentially amounts to feeding them two times into a Scantron machine to be scored electronically.

⁴ The Appellant used the words "truck and trailer" which are very similar to "truck and transport".

[20] After the Appellant requested a review, the Appellant's exam was again marked electronically, at least twice, and also checked manually. According to the SkilledTradesBC witnesses, all the results for the Appellant's exam were consistent at 69%. Aidan Cheung completed the manual marking of the Appellant's exam answer sheet and testified that there was evidence of erasure marks but there was no uncertainty about the bubbles that were filled in on the answer sheet.

[21] There was some uncertainty about the marking process due to the general nature of the evidence of the SkilledTradesBC witnesses, including exactly how many times the Appellant's exam was marked. This uncertainty does not materially impact the assessment of the evidence.

[22] The Appellant was not aware of the recent change to the Trade Qualifier Policy such that if he did not write his fourth attempt before August 1, 2026, and failed, he would no longer be placed at the final level of the apprenticeship program, which would allow him to enter the fourth year of apprenticeship, attend the required schooling, and then write the Certification Exam as an apprentice and not as a Trade Qualifier. After August 1, 2026, the Appellant would effectively have to start at the very beginning as a first-year apprentice or apply to become a level challenger and challenge and pass the Standard Level Exam for the level he would like to enter.

[23] Although this information has been on the SkilledTradesBC website since April 15, 2026, no one from SkilledTradesBC brought this to the Appellant's attention. Instead, one of the Appeal Board Panel Members, with trade expertise, raised this information with the Appellant during the appeal hearing. This issue is of some importance because the Appellant has consistently requested another examination date as soon as possible.

[24] According to the Respondent, during a May 21, 2026 meeting, the Appellant was advised that the earliest examination date that could be offered to the Appellant was August 6 and 7, 2026. The delay was due to the accommodations offered to the Appellant, which included a split examination over two consecutive days, additional examination time, the opportunity to use an eligible translator (for the Turkmen language if the Appellant himself could find a translator acceptable to SkilledTradesBC), administrative assistance with accommodation documentation and access to tutoring.

[25] The Respondent stated that SkilledTradesBC could not schedule an earlier examination for the Appellant because there are other candidates ahead of him that have requested accommodation for earlier dates and it would be unfair to those other candidates. Regarding granting the Appellant an additional attempt to write the exam (effectively giving him five attempts instead of four), the Respondent stated that it would be inconsistent with existing policies and would compromise consistency and fairness.

[26] In closing submissions, the Appellant stated that SkilledTradesBC did not administer its exams fairly because, according to him, other candidates with a darker colour of skin and from a different heritage were able to pass their exams but he, and another person he was aware of who did not fit this heritage, had not passed their exams.

ANALYSIS

[27] There were no apparent credibility and reliability issues arising from the evidence.

[28] The evidence relating to the Appellant's February 12, 2026 exam is straightforward. The Appellant wrote the exam and he filled in the corresponding answers on the bubble sheet. The content of the exam, i.e. the questions and answers, was not decided by SkilledTradesBC but was decided by Red Seal Truck and Transport Mechanic professionals and industry professionals. SkilledTradesBC is the body assigned to administer and mark the exam.

[29] There was no evidence presented on appeal that would support an inquiry into the sufficiency or appropriateness of the examination questions or answers. The Appellant's subjective belief that he passed the examination is not objective evidence that there was a flaw in the design of the exam. There was no evidence to support the Appellant's assertion that SkilledTradesBC administered or marked exams based on skin colour or heritage.

[30] The role of SkilledTradesBC in the marking of the Appellant's exam is also straightforward. SkilledTradesBC staff fed the Appellant's Scantron answer bubble sheet into a machine so that it could be electronically marked. The machine repeatedly marked the Appellant's exam at 69% which was confirmed by a human staff member who compared the Appellant's answer bubble sheet with the answer key. The Appellant's mark was consistently found to be 69%.

[31] The Appellant had a concern about the generic communications from SkilledTradesBC which conveyed his examination results. Although this might seem suspicious to the Appellant, it is not unusual for administrative bodies to use template and form letters for routine correspondence. On the other hand, a review decision should include something more than generic wording. Although the Respondent's Review Decision contained minimal reasons, this potential deficiency was effectively addressed by the appeal process, which resulted in a fuller body of evidence to decide the Appellant's appeal.

[32] The evidence is sufficient to prove that the Appellant achieved a mark of 69% on his February 12, 2026 Truck and Transport Mechanic Red Seal Interprovincial Exam. Aside from the Appellant's belief that he passed the exam and that SkilledTradesBC was somehow involved in him failing his exam a third time, there was no evidence of any error of law or failure on the part of SkilledTradesBC to observe the principles of natural justice and procedural fairness in making the decision (resulting in a mark of 69%). Given this finding, there is no discretionary authority to vary the Appellant's mark from 69% to 70% or to award an additional examination attempt.

[33] The circumstances related to the impact of the appeal process on the Appellant is less straightforward. When asked during the hearing about the change in policy related to Trade Qualifiers no longer being placed at the final level of the applicable program if they fail their fourth attempt after August 1, 2026, the Respondent essentially abandoned his request for any accommodation and sought to write his exam before August 1, 2026.

[34] The obvious question that arises is why no one from SkilledTradesBC discussed the significance of this change in policy with the Appellant, which would likely have impacted on his decision relating to whether to proceed with an appeal or to request accommodation. Although the policy change is available on the SkilledTradesBC website, the Appellant's first language is

not English and, language comprehension issues aside, SkilledTradesBC staff are presumably knowledgeable of its own policies and their impact on the persons they support.

[35] It is also difficult, without more evidence, to understand why SkilledTradesBC could not exercise its discretion to offer the Appellant an earlier examination date. The Respondent's summary evidence about there being other candidates ahead of the Appellant and that it would be unfair to them to offer the Appellant an earlier examination date could be seen as a failure to take into account the Appellant's individual circumstances in making the decision and blindly following a policy. This could amount to a fettering of discretion which could potentially raise procedural fairness issues which could be the subject of an appeal.

[36] The issues related to the change in Trade Qualifier Policy and the potential impact on the Appellant are hypothetical at this time as they relate to the Appellant's fourth examination attempt which has not happened yet. Accordingly, it would be premature to consider the merits of this issue as part of the Appellant's current appeal of his mark on his third examination attempt. In addition, such an issue could not be decided based on the incomplete evidence about the issue in the current appeal.

[37] No findings are made in this appeal about the impact on the Appellant due to the upcoming change in Trade Qualifier Policy.

DECISION

[38] The Appellant's appeal is dismissed and the Appellant's mark of 69% on his February 12, 2026 Truck and Transport Mechanic Interprovincial Red Seal Exam is confirmed.

/S/ Richard Grounds

Richard Grounds, Panel Chair
Skilled Trades BC Appeal Board

/S/ Gavin Hoekstra

Gavin Hoekstra, Panel Member
Skilled Trades BC Appeal Board

/S/ Joel Feenstra

Joel Feenstra, Panel Member
Skilled Trades BC Appeal Board