



Media Release

Engineering Licensing Body Obtains Order Against Tillsonburg Greenhouse Contractor and its Principals

Toronto – (February 23, 2015) – Professional Engineers Ontario (PEO) obtained an Order in the Superior Court of Justice on Friday, February 13 against 2322650 Ontario Limited (operating as Erie Structures) and its principals William David Dendekker, Jonathon Joel Dendekker and Bernard Fehr, requiring that the company and its principals stop representing that they can perform “engineering” or that the company has “engineers”. The court also ordered the respondents to pay PEO’s application costs in the amount of \$5,586.36.

PEO received two independent complaints, one regarding the use of a false seal on a project in Mount Albert undertaken by Erie Greenhouse Systems Inc., and a second regarding a project in Kingsville undertaken by Erie Greenhouse Structures Inc. Erie Greenhouse Systems Inc. and Erie Greenhouse Structures Inc. are predecessors to Erie Structures and are currently bankrupt. A PEO investigation found that Erie Structures and its predecessor corporations operated from the same address in Tillsonburg, Ontario, and had shared management. The Erie companies had carried out the structural design, preparation of engineering drawings, permit applications and construction for both the Mount Albert and Kingsville projects. Erie Greenhouse Structures Inc. and Erie Structures were also holding out that they performed “engineering” on their websites and in their printed materials. At no time did any of the Erie companies hold a PEO Certificate of Authorization to provide professional engineering services, nor did any of them employ a professional engineer.

In the court proceedings, the Honourable Mr. Justice Stinson found: “The material filed demonstrates the unauthorized use of the terms ‘engineer’ and ‘engineering’ in breach of the *Professional Engineers Act*,” and further went on in his endorsement to say: “Given the potential serious consequences of the unauthorized practice of engineering that may result from such unauthorized use, an order restraining such conduct is appropriate.” He ordered that Erie Structures cease using the words “engineer,” or “engineering” or any other term, title or description that will lead to the belief that it may provide to the public services that are within the practice of professional engineering. As such, Erie Structures may no longer represent on its website or in its printed materials that it employs engineers or that it may perform engineering services. He also ordered William David Dendekker, Jonathon Joel Dendekker and Bernard Fehr to ensure that any company for which they are an officer or director refrain from holding out as an engineering firm, unless the company holds a Certificate of Authorization.

Safina Lakhani, of Toronto law firm Polley Faith LLP, represented PEO on the application.

Under the *Professional Engineers Act*, a public protection statute, only corporations, partnerships and sole proprietorships that hold a PEO Certificate of Authorization are permitted to offer or provide professional engineering services to the public or hold themselves out as an engineering company. As well, only those individuals licensed by PEO may practise and take responsibility for professional engineering work.

PEO would like to thank the building departments in Kingsville and East Gwillimbury for their cooperation in its investigation.



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About Professional Engineers Ontario

Through the *Professional Engineers Act*, PEO governs over 82,000 licence and certificate holders and regulates professional engineering in Ontario to serve and protect the public. Professional engineering safeguards life, health, property, economic interests, the public welfare and the environment. Professional engineers can be identified by the P.Eng. after their names.

About the Certificate of Authorization

In Ontario, professional engineers who provide engineering services directly to the public must have a Certificate of Authorization. This certificate is issued to individuals or firms and the professional engineers on the certificate require at least five years of relevant experience after the conferral of the engineering degree or the completion of an equivalent engineering education. Individuals and firms holding PEO Certificates of Authorization must adhere to the professional liability insurance regulations required by the *Professional Engineers Act*. For the purposes of all regulatory directives regarding engineering practice 'the public' is considered to be anyone other than the professional engineer or the professional engineer's employer. Therefore, a P.Eng. is providing professional engineering services to the public when the work is done for the benefit of an individual, corporation, government or other entity that is not the engineer's employer.

About Hiring an Engineering Firm

When hiring an engineering firm, make sure they can produce a Certificate of Authorization from PEO and represent without hesitation that they are "authorized by the Association of Professional Engineers of Ontario to offer and provide professional engineering services to the public." Many Certificate of Authorization holders display the PEO diamond-shaped logo in their advertising and on their websites. Certificate of Authorization holders are required to be insured or to inform clients before accepting work that they do not carry insurance coverage.

When retaining the services of an engineer or engineering firm, the public may search PEO's directories of licensed professional engineers and authorized professional engineering companies at www.peo.on.ca. Complaints or inquiries regarding unlicensed individuals and unauthorized companies may be made to PEO through its enforcement hotline at 416-840-1444 or 1-800-339-3716, ext 1444, or the email address enforcement@peo.on.ca.

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