COMPLAINTS COMMITTEE: VOLUNTARY UNDERTAKING UNDER SUBSECTION 24(2)(C) OF THE *PROFESSIONAL ENGINEERS ACT*

In the matter of a complaint regarding the actions and conduct of a member of the Association of Professional Engineers of Ontario, and a holder of a certificate of authorization.

BACKGROUND

1. The complaint relates to the work done by the member and holder in relation to the design and construction of five separate structures comprising part of a greenhouse facility.

2. The holder was retained by the manufacturer/builder of the facility to provide structural design services and general review of construction. The manufacturer/builder prepared structural drawings for the facility and the holder was to ensure the adequacy of the drawings for five of the structures and seal them.

3. The structural drawings, signed and sealed by the member, included a greenhouse, boiler room with in-floor water storage, cooler area structure, packaging area structure and circular high-water storage tank.

4. From the beginning of construction, to the final termination of the holder's services approximately seven months later, the member and holder conducted only three site visits/inspections. At the time that the holder ceased providing services, the majority of the construction of the facility was complete.

5. The owner of the facility retained another construction contractor to complete the facility, and the member and holder were no longer involved with the project. Subsequently, there were reported issues with construction not having been completed as per the approved drawings, issues with construction elements being missing, loose and damaged; and the design of some construction elements was questioned.

THE COMPLAINTS

6. The complaint raised issues concerning the work of the member and holder with regards to the adequacy of general reviews of construction, the adequacy of General Review Reports prepared and the sufficiency of information included on the sealed structural drawings.

7. The Complaints Committee (committee) received a candid and fulsome response to the complaint from the member and holder including a number of clarifications and explanations relating to the member and holder's scope of work on the project.

THE CONSIDERATION OF THE COMPLAINTS COMMITTEE

8. The committee considered the complaint on April 4, 2018, and June 27, 2018. The committee considered the response received and carefully considered the issues raised in this matter. The committee considered whether a referral to the Discipline Committee was warranted in all the circumstances, and whether it was in the interest of the public and the profession to proceed with the matter. The committee decided that if the issues raised in the complaint were addressed through certain proactive remedial efforts on the part of the member and holder, as well as publication of a summary of this matter, that the public interest issues raised by the complaint would be addressed.

VOLUNTARY UNDERTAKING

9. The member and holder voluntarily undertook to:

a. Execute detailed written contracts for all projects;

b. When reviewing and sealing drawings prepared by others, clearly indicate the limitations of the member's professional seal on the sealed drawings;

c. Ensure that there is engineering accountability for any final engineering content provided by others for the member's review;

d. Inform non-engineer client firms (such as manufacturers) that they must have all, not just some, engineering content sealed by a professional engineer;

e. Ensure that their drawings and reviews contain all design assumptions regarding loads and material properties;

f. Ensure that the components to be designed by others are clearly identified as such and all necessary loads and forces to be considered by others are clearly indicated on the drawings;

g. Follow diligently PEO's practice guidelines related to General Review and Provision of Structural Engineering Services in Buildings;

h. For general review, not rely on the contractor to inform when a review is warranted but work this out in advance and have a plan, ensuring that frequency of site visits will be sufficient to provide a rational and defensible sampling of the work;

i. Provide comprehensive General Review Reports of the actual structural conditions reviewed, noting any deficiencies including incomplete items and work in progress, and corrective action required; and

j. Retain an independent structural engineer to review the member's projects, for a period of one year. The independent engineer will provide a report of his or her review, which will be provided to the registrar of PEO.

10. The member and holder acknowledge that when serving as the engineer for a fabricator who has no engineer of their own, the requirements are different; and as the only engineer, they may be exposed to a higher level of expectation and responsibility. They undertook to make sure that clients understand this.

11. The member and holder voluntarily agreed that a summary of this matter and the voluntary undertaking would be published in PEO's Gazette without their names.

12. The voluntary undertakings described above were accepted by the committee as a dispositive measure, and pursuant to its powers under section 24(2)(c) of the act, the committee decided that this matter would not be referred to the Discipline Committee.