

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 work done by the member and holder in relation to signed commitments for General Review for Mechanical, Electrical and Plumbing relating to a commercial cooking exhaust system.
2. At all material times, the holder held a certificate of authorization (C of A) naming the member as the individual accepting professional responsibility for engineering services provided under the C of A.
3. On or about May 8, 2018, the member submitted a signed and sealed Mechanical Field Review Letter stating that the heating, ventilating and air conditioning (HVAC) system was constructed in general conformity with the approved permit drawings and the 2012 Ontario Building Code requirements. Upon inspection, it was noted that the exit door hardware was not installed as per the approved drawings or in accordance with the Ontario Building Code. The member's Mechanical Field Review Letter was deemed unsatisfactory, and a resubmission was required.
4. On or about May 29, 2018, the member submitted a second signed and sealed Mechanical Field Review Letter stating that the kitchen exhaust and HVAC system were completed in general conformity with the relevant NFPA-96 standard, the approved permit drawings and the 2012 Ontario Building Code requirements. Upon inspection, several deficiencies were noted, including how the fire wrap insulation for a vent extending through the roof deck was installed. The member was required to resubmit a Mechanical Field Review Letter with revisions.
5. On or about June 21, 2018, the member submitted a third signed and sealed General Review Letter stating that the sprinkler system was in compliance with NFPA-13 requirements

and that the kitchen exhaust was in compliance with NFPA-96 requirements and the approved permit drawing and that installation of the emergency lighting system was in compliance with the 2012 Ontario Building Code requirements. Upon inspection, it appeared that the fire wrap was installed correctly. However, deficiencies were noted, including certain duct installation details not installed in accordance with NFPA-96 requirements. The member was required to submit a General Review Letter with further revisions.

6. On or about June 29, 2018, the member submitted a fourth signed and sealed Mechanical Field Review Letter stating that the kitchen exhaust riser through the roof had been installed and was in compliance with NFPA-96 and the 2012 Ontario Building Code requirements. Upon inspection, the previously noted deficiencies were found to have been corrected and the building permit was signed off.

THE COMPLAINT

7. The complaint raised issues concerning the work completed by the member and holder with regards to the improper installation of a kitchen exhaust system, the adequacy of the General Review Letters prepared and the deficiencies noted upon inspection.
8. The Complaints Committee (committee) reviewed the member and holder's detailed response to the complaint.

THE CONSIDERATION OF THE COMPLAINTS COMMITTEE

9. The committee considered the complaint on November 27, 2018, and March 20 and September 11, 2019. 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 under the circumstances and whether it was in the interest of the public and the profession to proceed with the matter. The committee concluded that the issues raised in the complaint were in the nature of technical details that were subject to review and approval by a local agency and noted that the member and holder willingly complied with instructions to correct them. Consequently, the committee took the view that the matter could be addressed through certain proactive remedial efforts on the part of the member and holder, as well as publication of a summary of this matter. The committee decided that in this way, the public interest issues raised by the com-

plaint would be adequately addressed, and information about the concerns raised by the complaint would be shared with other practitioners.

VOLUNTARY UNDERTAKING

10. The member and holder voluntarily undertook to:
 - a. Within 15 days, review PEO guidelines titled *Professional Engineers Providing General Review of Construction as Required by the Ontario Building Code and Use of Professional Engineer's Seal* and provide confirmation to PEO.
 - b. Within three months, develop a QA/QC procedure manual and submit it to PEO for review. The member and holder undertook to use this QA/QC procedure manual for all field inspections.
 - c. Ensure proper communication with clients regarding General Review Services.

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 completed by the member and holder and 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.