

Nonetheless, to ensure there is no prejudice to Mr. Villa, the panel will provide him with another opportunity to provide his submissions on penalty. Due to the current pandemic and pursuant to section 3 of the *Hearings in Administrative Tribunals (Temporary Measures Act)*¹ the panel will continue this proceeding in writing. Accordingly, the panel invites Mr. Villa to provide submissions on penalty in writing in accordance with the timeline below.

The panel confirms that any penalty order it may make that falls within section 29 of the *Act* may be stayed if Mr. Villa's appeal to the Divisional Court remains outstanding at the time that the order is issued.

¹2020, S.O. 2020 c.5, Sched. 3.

ORDER

1. The panel orders that the proceeding continue to the completion of the penalty phase in writing.
2. The panel orders that Mr. Villa provide his submissions on penalty to the panel, in writing, by June 22, 2020.
3. The panel also orders the Association to provide any reply submissions on penalty to the panel, in writing, by July 2, 2020.

On June 1, 2020, Glenn Richardson, P.Eng., signed the Decision and Reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline panel: Stella Ball, LL.B., Paul Ballantyne, P.Eng., Aubrey Friedman, P.Eng., and Warren Turnbull, P.Eng.

SUMMARY OF PENALTY DECISION AND REASONS

Between PROFESSIONAL ENGINEERS ONTARIO and RENZO VILLA, P.ENG.; heard in writing and issued October 27, 2020

This Penalty Decision follows the Decision and Reasons on the merits, issued August 30, 2019 (the "Liability Decision") in which this Panel of the Discipline Committee found Mr. Renzo Villa, P.Eng. ("Mr. Villa") guilty of professional misconduct under section 72(2)(g) of Regulation 941 of the *Professional Engineers Act* (the "Act") for breaching section 12(2) of the Act by offering and providing professional engineering services to the public without the appropriate certificate of authorization, and under section 72(2)(j) of Regulation 941 for dishonourably and unprofessionally providing professional engineering services to the public while an employee of the Association of Professional Engineers of Ontario (the "Association") contrary to his commitment to the Association that he would not do so.

Having found Mr. Villa guilty of professional misconduct in the Liability Decision and for the reasons that follow, this Panel orders: that Mr. Villa's licence be suspended for four months starting one month after the date of this decision; that he successfully complete the Professional Practice Examination within 14 months after the date of this decision as a term and condition of his licence; that he pay costs to the Association in the amount of \$15,000; that he immediately cease offering and providing professional engineering services through business names that do not have a corresponding certificate of

authorization and that it be a term or condition of Mr. Villa's licence that he offer and provide professional engineering services to the public only through a business name that is registered with the Association as a holder of a certificate of authorization; and that the Liability Decision, the Panel's Interim Order dated June 1, 2020 and this decision be published in summary form in "*Engineering Dimensions*."

The Panel orders that:

1. Pursuant to section 28(4)(b) of the Act, Mr. Villa's licence shall be suspended for four months, commencing one month after the date of this penalty decision.
2. Pursuant to sections 28(4)(i) and 28(5) of the Act, all of the findings and orders of this Panel of the Discipline Committee, including the Liability Decision, the Interim Order and this decision, shall be published with names in summary form in the Association's official publication, "*Engineering Dimensions*."
3. Pursuant to section 28(4)(d) of the Act, it shall be a term or condition of Mr. Villa's licence that he successfully complete the Association's Professional Practice Examination within 14 months of the date of this decision.

4. Pursuant to section 28(4)(j) of the Act, Mr. Villa shall pay costs to the Association of \$15,000 within one year of the date of this decision.
5. Mr. Villa immediately cease offering and providing professional engineering services through business names that do not have a corresponding certificate of authorization. It shall be a term or condition of Mr. Villa's licence that he offer and provide professional engineering services to

the public only through a business name that is registered with the Association as a holder of a certificate of authorization.

On October 27, 2020, Glenn Richardson, P.Eng., signed the Penalty Decision and Reasons for the decision as Chair of this Discipline Panel and on behalf of the members of the Discipline panel: Stella Ball, LL.B., Paul Ballantyne, P.Eng., Aubrey Friedman, P.Eng., and Warren Turnbull, P.Eng.

SUMMARY OF DECISION AND REASONS

On allegations of professional misconduct under the *Professional Engineers Act*, R.S.O. 1990, c. P. 28 (act) regarding the conduct of LUDMILA (LUCY) SHAW, P.ENG. (Shaw), a member of the Association of Professional Engineers of Ontario (PEO or association) and LKS CONSULTING INC. (LKS), a holder of a certificate of authorization (CoA) from PEO.

AGREED STATEMENT OF FACTS

Shaw, LKS and the Association entered into an Agreed Statement of Facts ("ASF") the relevant parts of which, taken directly therefrom (without attaching referenced Schedules), are as follows:

1. At all material times, Shaw was a professional engineer licensed pursuant to the *Professional Engineers Act* (the "Act").
2. At all material times, LKS Consulting Inc. ("LKS") held a Certificate of Authorization ("CoA") and listed Shaw as the individual taking responsibility for engineering services provided thereunder.
3. In 2017, the complainant Jay Lizzotte ("Lizzotte"), a homeowner in Guelph, Ontario, verbally retained Shaw and LKS to design and prepare drawings for a detached garage in his backyard (the "project").
4. LKS issued six drawings for the garage dated October 17, 2017, which were prepared, signed, and sealed by Shaw (the "Drawings"). On or about October 18, 2017, Lizzotte submitted a building permit application for the project, which included the Drawings, to the City of Guelph. On October 30, 2017, the City of Guelph issued a building permit for the project. Attached as Schedule "A" are copies of the Drawings.
5. In May 2018, construction began on the garage based on the Drawings. Construction of the project continued until around June 1, 2018, at which time the roof of the garage began to fail and noticeably sag.
6. Lizzotte retained Tacoma Engineers to review the Drawings and provide a structural analysis of the garage roof. The firm prepared a structural report (the "Tacoma Report"), which concluded, among other things, that the garage roof system was structurally inadequate, grossly under-designed, posed significant danger to any potential occupants, and was likely to collapse. Attached as Schedule "B" is a copy of the Tacoma Report. [DB 265-272]
7. Tacoma recommended that the garage roof be immediately replaced or reinforced. Lizzotte subsequently retained a construction company to repair the garage roof, which repair was completed in or around August 2018.
8. PEO retained Daria Khachi, P.Eng., to review the actions and conduct of the Respondents. He prepared a report (the "Dialog Report") dated October 12, 2021, which concluded, among other things: that the critical roof members were designed to somewhere between 29%-44% of their required capacity in bending; that the design ignored the large connection requirements of the collar ties to the rafters; that the design did not comply with the Ontario Building Code; and that the Drawings did not provide proper construction details for the