

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 Li Hang Wang, P.Eng., a member of the Association of Professional Engineers of Ontario ("Wang"), and LHW Engineering Ltd. ("LHW"), a holder of a Certificate of Authorization.

BACKGROUND

1. The complaint relates to the involvement of Wang and LHW in a project involving the partial change of use of a commercial/residential property. The project required interior alterations and renovations and associated mechanical changes. Wang and LHW sub-contracted the mechanical design work to another engineering firm.
2. At all material times, LHW held a Certificate of Authorization ("C of A") naming Wang as the individual accepting professional responsibility for engineering services provided under the C of A.
3. The first set of structural and architectural plans submitted by LHW to the municipality were returned, noting that they were not sealed, and presumably not reviewed, by an architect. Several months later, after an architect was retained by Wang and LHW, an Application for Permit to Construct or Demolish for the Project was submitted to the municipality.
4. The municipality subsequently issued a Deficiency Notice to LHW outlining a number of architectural review comments and one mechanical review comment. Shortly after, the municipality issued a Permit for the project.

THE COMPLAINT

5. The complaint raised concerns regarding the accuracy and quality of the respondents' work, their responsiveness and the quality of their communications.
6. The Complaints Committee ("the Committee") received a response to the complaint from Wang and LHW providing details with respect to the timeline of events and certain explanations regarding difficulties experienced on the project in general.

THE CONSIDERATION OF THE COMPLAINTS COMMITTEE

7. The Committee considered the complaint on March 18, and September 8, 2021. The Committee considered the response received and carefully considered the issues raised in this matter. The Committee had concerns that it appeared that the project architectural plans had been prepared by LHW without the involvement of a licensed architect. There were further concerns that the architectural and structural drawings

prepared by LHW appeared to be lacking in detail for the renovation of an older building such as the subject project building. Correspondence between LHW, the sub-consultants and the complainant appeared to be lacking in clarity and fulsome. Finally, as LHW was responsible for managing the sub-consultants on the project, there were concerns with the lack of LHW supervision over sub-consultant contract performance which may have contributed to some delay to the project.

8. 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, the public-interest issues raised by the complaint would be addressed.

VOLUNTARY UNDERTAKING

9. Wang and LHW voluntarily undertook that within six months they would:
 - a. Make every effort to follow best practices recommended in PEO Guideline *Assuming Responsibility and Supervising Engineering Work*;
 - b. Make every effort to include best practices recommended in PEO Practice Bulletin *Use of Building Code Compliance Data Matrix By Professional Engineers Submitting Drawings For Building Permits*; and
 - c. Demonstrate to the Committee that they had reviewed and understood the PEO Guideline *Professional Engineering Practice* and make every effort in future projects to improve documenting communications as recommended in the guideline.
10. Further, Wang and LHW voluntarily agreed that a summary of this matter and the voluntary undertaking would be published in PEO's Gazette with reference to names.
11. 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.