

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 Wah-Sing S. Wong, P.Eng., a member of the Association of Professional Engineers of Ontario (“Wong”), and SWS Engineering Inc. (“SWS”), a holder of a certificate of authorization (C of A).

BACKGROUND

1. The complaint relates to a structural inspection of a single family dwelling, completed by Wong and SWS in connection with an insurance claim filed by the complainant for work completed outside the scope of an open Building Permit.
2. At all material times, SWS held a Certificate of Authorization (“C of A”) naming Wong as the individual accepting professional responsibility for engineering services provided under the C of A.
3. The scope of work included a structural review of a second story loft and roof replacement, stair access and main floor structural support beams. In order to carry out the inspection, openings in the residence’s finishes were required, and the locations of the openings were specified by Wong.
4. Following the inspection, Wong and SWS issued two reports; one to the relevant Township and one to the complainant’s insurer that included drawings, sealed and signed by Wong, detailing SWS recommended repairs. Neither report included any indication that it was intended as draft or preliminary, and both were signed and sealed by Wong.
5. One report included a note that it was based only upon a review of accessible areas and openings as indicated, and that if additional deficiencies were discovered during construction, SWS would adjust the scope of repair work accordingly. While the reports included comments on various structural elements inspected, and certain repairs were recommended, the report issued to the Township included the SWS opinion that the subject floor was structurally adequate and safe.
6. Subsequent to the reports being issued, structural deficiencies in construction were identified and brought to Wong and SWS’s attention. Wong and SWS promptly amended their drawings as required in response.

THE COMPLAINT

7. The complaint raised concerns regarding the member’s use of seal, lack of detail in documented scopes of work, lack of clarity in documented assumptions and limitations included in the member’s reports and drawings, and the potential for structural

issues to have gone unnoticed and uncorrected if they hadn’t specifically been brought to Wong’s attention by the complainant.

8. The Complaints Committee (“the Committee”) received a candid and fulsome response to the complaint from Wong and SWS, including the explanation that further structural re-assessment is typically carried out by the member and holder during construction when finishes are stripped, and that adjustments are made to design drawings as required at that time.

THE CONSIDERATION OF THE COMPLAINTS COMMITTEE

9. The Committee considered the complaint five times between July 15, 2020, and November 8, 2021. The Committee considered the response received and carefully considered the issues raised in this matter. The Committee was concerned that, in addition to the concerns previously stated, by sealing the reports and drawings at issue, Wong and SWS conveyed to the recipients of the work that the drawings were final, complete and could be relied upon to bring the residence into compliance with the Ontario Building Code. 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

10. Wong and SWS voluntarily undertook to:
 - a. Provide all SWS engineering staff with a copy of the following PEO Guidelines:
 - Guideline on *Structural Condition Assessments of Existing Buildings and Designated Structures*,
 - Guideline on *Use of the Professional Engineer’s Seal*,
 - Guideline on *Professional Engineering Practice*.
 - b. Ensure that its engineering staff review PEO’s webinar “How to Use Your Professional Engineer’s Seal”;

- c. Create a standardized quotation document for use by SWS engineering staff, which will include a defined scope of work section and clearly indicate that any drawing, specification, plan, report or other document(s) prepared as part of SWS' professional engineering services provided to the public will be sealed, signed and dated.
11. Documents as described above, and documentation demonstrating completion of the undertaking elements, were provided to the Committee.
 12. Further, Wong and SWS voluntarily agreed that a summary of this matter and the voluntary undertaking would be published in PEO's Gazette with their names.
 13. The voluntary undertaking described above was 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.