



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT*,
S.B.C. 2018, CHAPTER 47 (the “*PGA*”)

AND

IN THE MATTER OF BRIAN SMIT, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-022

CITATION

TO: Brian Smit, P.Eng.

[REDACTED]

[REDACTED]

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, will meet on a date to be determined for the purpose of conducting a discipline hearing pursuant to the *PGA*. The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021. While allegations herein are made under the *EGA*, the procedures established by the *PGA* and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to this proceeding.

AND TAKE NOTICE that the allegations against you are that you acted contrary to the *EGA* as follows:

1. You demonstrated unprofessional conduct in relation to the preparation of structural and architectural drawings that you authenticated between June and November 2019 for the construction of a modular system to serve as an office building near Tofino, British Columbia, in particular:

- a. failing to adequately take seismic forces into account when you authenticated the Foundation & Structural Design Summary Report (Civil/Structural) on June 26, 2019 and when you authenticated the Foundation Loading Summary Report (Civil/Structural) on July 23, 2019 (collectively, the “Design Load Reports”), and made the calculations in support thereof, in particular, failing to ensure those reports reasonably accounted for gravity and lateral force resisting elements to satisfy possible structural failure; and
 - b. failing to prepare the drawings identified as BRT-19-076-STR-001, BRT-19-076-STR-002, BRT-19-076-STR 003, BRT-19-076-STR-004 and BRT-19-076-STR-005 (the “Final Design Drawings”) in compliance with the applicable building code requirements and guideline materials despite issuing those drawings for construction and authenticating them, including inadequate details to clearly identify:
 - i. the lateral load path from the roof diaphragms, shear walls, and floor diaphragms; and
 - ii. the specific Seismic Force Resisting System elements such as diaphragms and splices for tension/compression chords for the roof diaphragm.
2. You failed to comply with section 14(b)(4) of the Bylaws of Engineers and Geoscientists BC, as they then were, when you failed, prior to issuing the Final Design Drawings for construction, to obtain a documented independent review of your structural designs by members or licensees having appropriate experience in designing structures of a similar type and scale, and who were not involved in preparing the designs.
3. In the alternative, the conduct set out above in paragraphs 1 and 2 was contrary to certain principles of the Code of Ethics of Engineers and Geoscientists BC, created pursuant to the *EGA*, in particular:
 - a. Principle 1, which required that members and licensees hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
 - b. Principle 3, which required that members and licensees provide an opinion on a professional subject only when it is founded upon adequate knowledge; and
 - c. Principle 6, which required that members keep themselves informed in order to maintain their competence.

AND FURTHER TAKE NOTICE that you, Brian Smit, P.Eng., have the right, at your own expense, to be represented by counsel at the hearing by the Panel of the Discipline Committee pursuant to section 79 of the *PGA*, and you or your counsel have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegations.

AND FURTHER TAKE NOTICE that, pursuant to section 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing under section 75 of the *PGA*, the Panel of the Discipline Committee may, if satisfied that you have been notified of the hearing, proceed with the hearing in your absence and make any order that the Panel of the Discipline Committee could have made in your presence.

DATED this 30 day of July, 2023.

The Investigation Committee of the
Association of Professional Engineers and
Geoscientists of the Province of British
Columbia

<original signed by>

Per: Peter Helland, P.Eng.
Chair, Investigation Committee