



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 MAHMOUD MAHMOUD, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-040

## CITATION

**TO:** Mahmoud Mahmoud, P.Eng.  
c/o J.J. McIntyre at MW Law Offices  
1570-789 West Pender St.  
Vancouver, BC V6C 1H2

**TAKE NOTICE** that a Panel of the Discipline Committee of the Association of 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 The *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021.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 the 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 in connection with two properties located on [REDACTED] in Sechelt, BC, Lots 20 and 21 (the “Properties”), in respect of which you were responsible for the geotechnical investigation and design required for the approval to develop the Properties, the allegations against you are that you acted contrary to the *EGA* as follows:

1. You demonstrated unprofessional conduct contrary to the *EGA* when, in a May 23, 2019 “Preliminary Test Pit Investigation Report” pertaining to Lot 21 which you signed and sealed (the “May 2019 Report”), you stated that provided the engineering recommendations set out in the report were implemented, construction of the new single-family residential development could be undertaken as proposed in circumstances:
  - a. where you lacked adequate knowledge about the subsurface conditions at Lot 21 to support that statement; and
  - b. your engineering recommendations to prevent internal erosion and associated settlements that could cause damage did not adequately address the risks of internal erosion and associated settlements.
2. You demonstrated unprofessional conduct contrary to the *EGA* when, in an October 28, 2019 “Report on Summary of Available Borehole Data” pertaining to Lots 20 and 21 which you signed and sealed (the “October 2019 Report”), you stated that it was reasonable to conclude that a sinkhole will not occur in Lots 20 and 21 in circumstances where you lacked adequate knowledge about the subsurface conditions at Lots 20 and 21 to support that statement.
3. Contrary to section 20(9) of the *EGA*, you provided unsealed copies of the following reports to your clients:
  - a. the May 2019 Report;
  - b. a June 17, 2019 “Preliminary Test Pit Investigation Report” pertaining to Lot 20; and
  - c. the October 2019 Report.

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

*[this space is intentionally left blank]*

**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 held 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 1 day of SEPTEMBER, 2023.

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

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