

IN THE MATTER OF THE ENGINEERS AND GEOSCIENTISTS ACT
R.S.B.C. 1996, CHAPTER 116

and

IN THE MATTER OF ANTHONY (Tony) SZE-TONG YAM

APEGBC File Nos.: T14-022; T14-058; T15-047

CONSENT ORDER

Dated for reference MAY 30 , 2016.

WHEREAS the Association of Professional Engineers and Geoscientists of the Province of British Columbia ("**APEGBC**"), pursuant to section 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, Chapter 116 (the "**Act**"), served on Anthony (Tony) Sze-Tong Yam ("**Mr. Yam**") the following:

- (i) Notice of Inquiry dated April 12, 2016 for File No. T14-022;
- (ii) Notice of Inquiry dated April 12, 2016 for File No. T14-058; and
- (iii) Notice of Inquiry dated April 12, 2016 for File No. T15-047.

(collectively the "**April 2016 Notices of Inquiry**")

AND WHEREAS Mr. Yam admits to all of the allegations against him contained in the April 2016 Notices of Inquiry and agrees to the following statement of facts:

File No. T14-022

1. In the matter of a complaint by the City of White Rock to APEGBC against Mr. Yam in respect of geotechnical engineering services that Mr. Yam provided from in or about August 2013 to in or about December 2013 in respect of the construction of a house located in White Rock, British Columbia, in particular, the excavation shoring system (the "**White Rock Project**"), Mr. Yam breached section 30(4) of the Act, by his refusal or failure to provide information and records in his possession or control with respect to the White Rock Project, as required by APEGBC's Investigation Committee by letters to Mr. Yam dated November 13, 2015 and January 12, 2016.
2. In respect of the White Rock Project, Mr. Yam demonstrated negligence or unprofessional conduct subsequent to the collapse of the excavation shoring system on or about November 25, 2013, by reason of his failure to appropriately set out, in the revised shoring design drawings dated November 27, 2013 that Mr. Yam prepared, one or more of the following:
 - (a) plate and nut details for the soil anchors;

- (b) shotcrete strength and review requirements;
- (c) excavation sequencing instructions;
- (d) strut support details for the east timber lagging wall; and
- (e) design calculations.

File No. T14-058

3. Mr. Yam breached section 30(4) of the Act, by his refusal or failure to provide information and records in his possession or control as required by APEGBC's Investigation Committee by letters to Mr. Yam dated February 2, 2016, March 1, 2016, and March 11, 2016, in relation to the matter of a complaint to APEGBC that Mr. Yam produced documents within a proceeding in the Supreme Court of British Columbia, which, according to the complainant, Mr. Yam knowingly misrepresented to be copies of the original documents from Mr. Yam's file in respect of geotechnical engineering services that Mr. Yam provided from in or about June 2010 to in or about August 2011 in respect of a property located in Chilliwack, British Columbia.

File No. T15-047

4. In the matter of a complaint by the Corporation of Delta to APEGBC against Mr. Yam in respect of geotechnical engineering services that Mr. Yam provided from in or about October 2014 to in or about April 2015, in respect of the construction of a house located in Delta, British Columbia, in particular, the design of a temporary retaining wall (the "**Delta Project**"), Mr. Yam breached section 30(4) of the Act, by his refusal or failure to provide information and records in his possession or control with respect to the Delta Project, as required by APEGBC's Investigation Committee by letters to Mr. Yam dated December 8, 2015 and February 12, 2016.

AND WHEREAS on March 4, 2016, Mr. Yam effected his resignation from APEGBC while under investigation by APEGBC's Investigation Committee in respect of the matters in issue in File Nos. T14-022, T14-058, and T15-047, and on that date ceased in being registered as a professional engineer by APEGBC.

AND WHEREAS pursuant to the extended definition for "member" set out at section 28 of the Act, Mr. Yam remains a member of APEGBC for the purposes of investigation and discipline, notwithstanding his resignation from APEGBC.

AND WHEREAS APEGBC and Mr. Yam wish to resolve this matter by consent pursuant to section 32.1 of the Act, without a disciplinary hearing.

THEREFORE by consent, and pursuant to the section 32.1 of the Act, this Order is hereby made:

- A. Mr. Yam's membership in APEGBC is cancelled; and
- B. Mr. Yam will pay, within 30 days of the reference date of this Consent Order, \$2,000 as a contribution to APEGBC's costs.

The full text or a summary of this Consent Order will be published by APEGBC in print and electronic publications including on APEGBC's website.

This Consent Order has the same force and effect as an order made under section 33(2) of the Act and may be dealt with under section 34 of the Act if any order set out herein is not met.

This Consent Order is approved and accepted by Mr. Yam this 30 day of May, 2016.



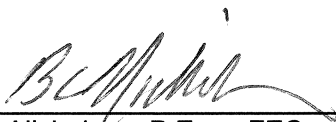
Signature of Tony Yam

Zhao Guan

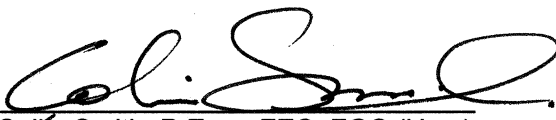
Name of Witness




Signature of Witness



Bruce Nicholson, P.Eng., FEC
Member, Discipline Committee



Colin Smith, P.Eng., FEC, FGC (Hon.)
Member, Discipline Committee



Ed Bird, P.Eng.
Member, Discipline Committee