

**IN THE MATTER OF  
THE *PROFESSIONAL GOVERNANCE ACT*, S.B.C. 2018, c. 47**

**and**

**IN THE MATTER OF BENEDICT BUN CHUEN YUEN, P.ENG.  
ENGINEER AND GEOSCIENTISTS BC FILE NO. T20-006**

**DECISION AND ORDER OF THE DISCIPLINE COMMITTEE  
ON PENALTY AND COSTS**

Date and Place of Hearing:	By written submissions
Panel of the Discipline Committee:	Emily Cheung, P.Eng., Chair Frank Denton, P.Eng. David Wende
Counsel for Engineers and Geoscientists BC:	Sean Hern, K.C. Merran Hergert
For the Respondent:	No submissions
Counsel for the Panel of the Discipline Committee:	Tonie Beharrell
Decision Date:	February 3, 2026

**A. INTRODUCTION**

1. In its decision issued November 14, 2025 (the “Decision”), this panel of the Discipline Committee (the “Panel”) of the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC (“EGBC”) determined that the Respondent committed unprofessional conduct contrary to s. 32 of the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”), in relation to a specific project, by failing to:
  1. investigate the structural components of the existing structure to inform the engineering and the preparation of the structural drawings that he prepared that detailed the proposed upgrades to the building that he authenticated (the “Design”);
  2. apply the required engineering methodology to determine the number and location of the new shear walls required to upgrade the existing structure and ensure the project was compliant with the 2018 British Columbia Building Code;
  3. adequately prepare structural calculations to support the Design by omitting:
    - I. design criteria, including discussion of any assumptions made in the design basis; and
    - ii. lateral load analysis and design for seismic forces;
  4. provide adequate details in the structural drawings to indicate:
    - i. the connection between the shear walls to the existing floor structure;and

- ii. the continuation of load paths to the foundation and demonstrate sufficient transfer of seismic forces to ensure compliance with the Building Code; and
  5. assess whether a concrete foundation wall was required and detail the wall in the Design, or alternatively, identify in the structural drawings how the hold down anchors were to be secured to the existing foundation.
2. Having made that finding, the Panel requested written submissions on what sanctions should be imposed on the Respondent and whether, and in what amount, costs should be ordered. The Panel also set a schedule for those submissions which was communicated to the parties. The Panel received written submissions from EGBC on December 1, 2025. Mr. Yuen did not provide submissions.
  3. This is the Panel's decision with respect to the appropriate penalty and costs payable.

**B. ORDER SOUGHT**

4. EGBC seeks the following penalty and costs orders:
  - a. That the Respondent's registration with EGBC be cancelled; and that he not be able to apply for reinstatement with EGBC for a period of six months;
  - c. That after six months, any application for reinstatement follow the procedure set out in the Bylaws of EGBC (the "Bylaws") as they stand at the time, and that a decision as to whether his application for reinstatement is granted shall be a decision of the Credentials Committee, pursuant to the Bylaws;
  - c. That the Respondent pay to EGBC costs in the amount of \$28,000 (an amount equivalent to 80% of its actual costs relating to the discipline hearing) no later than 30 days from the date of the Panel's decision on penalty.

## **C. PENALTY AND COSTS**

### **Applicable Legislation**

5. On February 5, 2021, the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”) came into effect and repealed the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”). This proceeding was initiated by a Citation issued pursuant to the PGA. The conduct that was the subject of the Citation occurred when the EGA was in force.
6. In accordance with ss. 35 and 36 of the *Interpretation Act*, R.S.B.C., c. 238, and consistent with previous panel decisions, the substantive provisions of the EGA apply to the proceeding. This includes the EGA’s penalty provisions. However, in relation to costs, the provisions of the PGA apply: *Re Gernon* (December 5, 2023), *Re Kovacik* (November 7, 2024).

### **Legal Framework for Penalty**

7. Under s. 33(2) of the EGA, the following penalties were available:
  - 33(2) If the discipline committee makes a determination under subsection (1), it may, by order, do one or more of the following:
    - (a) Reprimand the member, licensee or certificate holder;
    - (b) Impose conditions on the membership, licence or certificate of authorization of the member, licensee, or certificate holder;
    - (c) Suspend or cancel the membership, licence or certificate of authorization of the member, licensee or certificate holder;
    - (d) Impose a fine, payable to the association, of not more than \$25,000 on the member, licensee or certificate holder.
8. Section 28 of the EGA (and s. 56 of the PGA) provide that disciplinary proceedings may be brought or continued against former registrants.
9. In *Law Society of British Columbia v. Ogilvie*, [1999] LSBC 17 (“Ogilvie,” at para. 10) a Law Society discipline panel set out a list of factors to be considered when deciding upon a penalty. In *Law Society of British Columbia v. Dent*, 2016 LSBC

5 (“*Dent*”), a discipline panel suggested a “consolidation” of the *Ogilvie* factors, including (at paras. 20-23):

- (a) The nature, gravity, and consequences of the conduct;
- (b) The character and professional conduct record of the respondent;
- (c) Acknowledgement of the misconduct and remedial action; and
- (d) Public confidence in the profession including public confidence in the disciplinary process.

10. EGBC Discipline Panel Decisions have consistently adopted the factors outlined in *Ogilvie* and *Dent*, including very recently in *Re Eloufy* (August 29, 2025). The Panel accepts that these are appropriate factors to consider in its assessment of Penalty.

### **Panel’s Analysis on Penalty**

11. Applying these factors, the Panel has decided to grant the penalty sought by the EGBC, for the following reasons.
12. With respect to the nature, gravity and consequences of the conduct, the Panel concludes that the unprofessional conduct it found, while not the most extreme, is at the serious end of the spectrum.
13. While the Panel accepts that the conduct at issue arose from concerns related to the Plans and Design for a project that was ultimately not constructed, the Panel concluded that the Designs and Plans prepared by the Respondent were deficient in a number of crucial ways. As found in the Conduct Decision, the Respondent did not carry out investigations, use the appropriate engineering methodology, or prepare adequate calculations to understand the effects of any seismic forces on the Design. Although these findings related to only one project, the combination of acts and omissions found makes the nature and gravity of the proven conduct serious.

14. With respect to character and professional record, the Panel notes that the Respondent had been registered with EGBC for over 40 years and does not have any prior disciplinary history. While in some cases the absence of disciplinary history is seen as a mitigating factor with respect to discipline, the Panel notes that an engineer of the Respondent's seniority and experience is assumed to know his ethical and professional obligations. The fact that the Respondent's conduct fell significantly short of what was required in the context of his experience is an aggravating factor. Taken together, then the Panel finds that this factor as a whole is neutral.
15. With respect to acknowledgement of the misconduct and remedial action, there is no evidence that the Respondent has taken responsibility for his conduct or shown any remorse. Nor is there any evidence of any remediation steps or work undertaken by the Respondent. The Panel notes that the Respondent had notice of the hearing and failed to attend, disregarding the disciplinary processes contemplated in the legislation.
16. Other panels have found that the absence of an admission or demonstrated remorse is not an aggravating factor but is the absence of a mitigating factor: see, for example *Re Gernon*, paras 38-39. The Panel therefore finds that there is no basis for mitigation with respect to this factor.
17. With respect to public confidence in the profession, the Panel accepts EGBC's submission that municipalities and members of the public rely on professional engineers to ensure that structural designs comply with the Building Code and are prepared competently. When professional engineers fail to fulfil these responsibilities, it erodes public confidence in the profession.
18. As outlined above, the conduct found involved omissions at several stages: investigation, calculations, and design. The need for deterrence of this type of approach, and the need to protect the public and ensure public confidence in the profession militates in favour of a more significant penalty.

19. The Panel has also considered the fact that the Respondent's registration with EGBC was not renewed due to non-payment of fees on February 7, 2025; and that the Respondent had advised during the course of the investigation that he intended to retire. EGBC submitted that it is nevertheless appropriate to formally cancel the Respondent's registration as requested. They state that such an order represents the Discipline Committee's disapprobation of the conduct and promotes confidence in the integrity of the profession and its ability to self regulate.
20. As a result of all of the considerations outlined above, the Panel finds that a significant penalty is appropriate. Specifically, the Panel finds that the appropriate penalty in this case is as follows:
- a. That the Respondent's registration with EGBC be cancelled; and that he not be able to apply for reinstatement with EGBC for a period of six months; and
  - b. That after six months, any application for reinstatement follow the procedure set out in the Bylaws of EGBC (the "Bylaws") as they stand at the time, and that a decision as to whether his application for reinstatement is granted shall be a decision of the Credentials Committee, pursuant to the Bylaws.

### **Legal Framework for Costs**

21. Section 81 of the *PGA* provides the Panel with authority to require that a respondent pay the costs of an investigation and a discipline hearing:

81 (1) A discipline committee or panel, in the context of a discipline hearing under section 75, may require the respondent to pay the costs of one or both of the following:

- (a) an investigation;
  - (b) the hearing under section 75.
- (2) Costs assessed under subsection (1)
- (a) Must not exceed the actual costs incurred by the regulatory body during the course of the investigation and hearing, and

- (b) May include the salary costs for employees or officers engaged in the investigation and hearing.
  - (3) The council may make bylaws governing the assessment of costs under subsection (1), including the following:
    - (a) the factors to be considered in assessing costs;
    - (b) the maximum amount of costs that may be assessed within the limits set out in subsection (2);
    - (c) the time allowed for payment of costs;
    - (d) the extension of time for payment of costs.
  - (4) The amount of costs assessed against a respondent under subsection (1) may be recovered as a debt owing to the regulatory body and, when collected, that amount is the property of the regulatory body.
22. EGBC has enacted bylaws pursuant to the authority set out in s. 81(3) of the *PGA* (the “Bylaws”). Section 10.9 of the Bylaws governs orders and assessment of costs, and provides:
- (1) If an adverse determination is made against a Respondent after a discipline hearing held pursuant to section 75 of the *PGA* [Discipline hearings] the Discipline Hearing Panel must require, through an order in writing, that the Respondent pay EGBC’s costs, which may be up to the actual costs incurred by EGBC as a result of an investigation and a discipline hearing, provided that those actual costs are within the limits set out in section 81(2)(a) of the *PGA* [Costs].

### **Panel’s Analysis on Costs**

23. EGBC states that, although under the *PGA* it is entitled to seek its actual costs incurred during the course of the investigation and hearing, in the circumstances of this case it has elected to seek only 80% of the costs associated with the hearing. EGBC notes that, in cases where it has been successful in proving the allegations in a Citation, it has been the general practice of the Discipline Committee to order costs payable in the range of 70-90 percent of EGBC’s actual costs.

24. EGBC states that it successfully proved all the allegations it pursued at the hearing. The Panel agrees with EGBC's assessment of its success in establishing the allegations at issue and the seriousness of those allegations.
25. In these circumstances, the Panel agrees that it is appropriate to order costs at 80% of actual costs incurred, as requested by EGBC. Further, the Panel accepts that EGBC's costs as submitted in the Affidavit attached to its submissions are reasonable: \$35,128.25 in legal fees and disbursements, and hearing costs. That figure is multiplied by 80% for a net costs order of \$28,000.
26. The Panel orders costs payable by the Respondent to EGBC in the amount of \$28,000. Further the Panel orders that this amount be paid no later than 30 days from the date of this order.

**D. ORDER**

27. In summary, the Panel orders as follows:
  - a. The Respondent's registration with EGBC is cancelled; and he is not to apply for reinstatement with EGBC for a period of six months;
  - b. After six months, any application for reinstatement will follow the procedure set out in the Bylaws of EGBC (the "Bylaws") as they stand at the time, and that a decision as to whether his application for reinstatement is granted shall be a decision of the Credentials Committee, pursuant to the Bylaws; and

- c. The Respondent must pay EGBC costs in the amount of \$28,000 (representing 80%) of its actual costs incurred during the course of the discipline hearing) within 30 days of the Panel's decision on penalty.

DATED: February 3, 2026

<original signed by>  
Emily Cheung, P.Eng., Chair

<original signed by>  
Frank Denton, P.Eng.

<original signed by>  
David Wende