

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

and

IN THE MATTER OF SURINDER S. PUAR, P. Eng.

NOTICE OF INQUIRY

TO: Surinder S. Puar, P. Eng, (the "Member")
#200 – 100 Park Royal South
West Vancouver, British Columbia
V7T 1A2

TAKE NOTICE that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of British Columbia (the "Association"), will meet at the offices of Alexander Holburn Beaudin & Lang LLP, 2700 – 700 W. Georgia Street, Vancouver, in the Province of British Columbia on Thursday, the 17th day of April, 2008, at the hour of 9:30 in the forenoon for the purpose of taking evidence or otherwise causing an inquiry to be made with respect to the allegations herein pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, Chapter 116, as amended, (the "Act").

AND TAKE NOTICE that the allegations against you are that, contrary to Sections 33(1)(b) and 33(1)(c) of the *Act*, you have contravened Paragraphs 1 and 8 of the Code of Ethics and have demonstrated unprofessional conduct in failing to:

- (a) hold paramount the safety, health and welfare of the public, the protection of the environment and failing to promote safety in the work place by permitting such obligations to be secondary to the decision of your client to not complete remedial works to an unstable excavation; and
- (b) present clearly to your client and the District of West Vancouver the possible consequences upon your professional judgment being disregarded by your client.

Particulars of the aforesaid allegations are set out in numbered paragraphs below.

1. That on or about July 26, 2005, you did permit to be delivered to the District of West Vancouver, (the "District"), Schedules B-1 and B-2 bearing your signature and seal for the proposed residence (the "Residence") and reinforced concrete retaining walls to be constructed at or about 2288 Lythe Court (the "Property") within the District.
2. The aforesaid Schedules B-1 and B-2 were provided pursuant to an engagement to provide geotechnical engineering services to the developer / contractor (the "Client") for the Property.
3. In the aforesaid Schedules B-1 and B-2, you gave assurance to the District that you would undertake the necessary design and field reviews for the temporary and permanent geotechnical components to be constructed on the Property, and that the design would be in substantial compliance with the British Columbia Building Code and all other enactments respecting safety, except for construction safety aspects.
4. In or about October 2005, the excavated slope comprising the northern perimeter to the Property (the "North Cut") failed, at which time you did recommend in writing to the Client and the District measures for the temporary stabilization of the North Cut until permanent stabilization of the slope could be completed.
5. In or about November 2005 and January 2006, the Client took only limited remedial steps in order to stabilize the North Cut. Thereafter, the Client continued to your knowledge to proceed with the construction of the Residence immediately below the North Cut.
6. At all material times between November 2005 and November 2006, you were aware that the Client had failed to complete the temporary stabilization of the North Cut as recommended by you.


7. Despite your knowledge of the prolonged failure of the Client to implement your recommendations to properly stabilize the North Cut during construction of the Residence, you failed to take adequate measures to alert the District of both the Client's failure to comply with your recommendations and the danger posed by the continued potential failure of the North Cut.
8. In or about November 2006, the North Cut failed by reason of the Client's failure to complete the slope stabilization measures recommended by you in October 2005.

AND FURTHER TAKE NOTICE that you, Surinder S. Puar, P. Eng., have the right, at your own expense, to be represented by counsel at the Inquiry by the Panel of the Discipline Committee above-mentioned and that you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defense and reply in answer to the above allegations.

AND FURTHER TAKE NOTICE that in the event of your non-attendance at the Inquiry, the Panel of the Discipline Committee may, upon proof of service of this Notice of Inquiry upon you, proceed with the taking of evidence or otherwise ascertaining the facts concerning the said allegation, your absence notwithstanding, and may make its findings on the facts and its decision thereon without further notice to you.

DATED at the City of Burnaby, Province of British Columbia, this 6th day of February, 2008.

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


Per: Roy Wares, Chair