

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

- and -

IN THE MATTER OF DENNIS TAT-YIN SHIU, P.ENG.

CONSENT ORDER

Dated for reference September 30, 2009.

WHEREAS Dennis Tat-Yin Shiu, P.Eng. ("Dennis Shiu") was served with a Notice of Inquiry, dated June 14, 2006, that contained the following allegation:

AND TAKE NOTICE that the allegation against you is that, contrary to the **Act**, you have demonstrated unprofessional conduct in your field reviews of the mechanical and plumbing systems for a mixed use, multi-tenant building in Delta, B.C. (the "Building") because you issued 1998 B.C. Building Code ("Code") Schedules C-B on February or March 14, 2005 and on April 6, 2005, assuring the authority having jurisdiction that the Building complied in all material respects with the Code and other applicable enactments respecting safety, when the Building contained combustible plumbing piping between fire separation areas and incorrect or missing fire-stopping between fire separation areas.

AND WHEREAS Dennis Shiu entered into an agreement with The Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "Association") dated September 18, 2006 (the "Stipulated Order") whereby he admitted the allegations in the Notice of Inquiry dated June 14, 2006 and agreed to certain penalties.

AND WHEREAS an Amended Order for Further Penalties (the "Further Order") was issued against Dennis Shiu by the Association's Discipline Committee on October 14, 2008.

AND WHEREAS Dennis Shiu has completed most of the terms of the Stipulated Order and the Further Order.

AND WHEREAS the enforceability of the Stipulated Order and Further Order have been challenged in other proceedings.

AND WHEREAS the Association and Dennis Shiu wish to give legal effect to the reprimand in the Stipulated Order and the remaining penalty terms under the Further Order.

THEREFORE by consent, this Order is hereby made, pursuant to the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 as amended ("Act"), specifically s. 32.1.

1. Dennis Shiu admits the allegations of unprofessional conduct set out in the Notice of Inquiry.

2. Dennis Shiu's penalty for this unprofessional conduct is as follows:

- a) Dennis Shiu is reprimanded;
- b) Dennis Shiu shall have his professional services peer reviewed by a professional engineer(s) approved in writing and in advance by the Registrar of the Association in accordance with the Council policy on peer reviews. The requirement for peer reviews shall continue for at least a period of twelve months from December 14, 2008, the date of the original approval of the peer reviewer. The cost of the peer reviewer(s) shall be borne by Dennis Shiu. The peer reviewer(s) will report on the reviews every three months in writing to the Registrar of the Association and will report in writing to the Registrar of the Association at the conclusion of the twelve month period providing an opinion on whether Dennis Shiu requires continuing peer reviews and for how long. The cost for all reports will be borne by Dennis Shiu;
- c) If Dennis Shiu ceases to have a peer reviewer, Dennis Shiu must practice under the supervision of another professional engineer approved in writing and in advance by the Registrar of the Association for the balance of the twelve month period from the date of the original approval of the peer reviewer. The supervising engineer(s) will report in writing to the Registrar of the Association at the conclusion of the twelve month period providing an opinion on whether Dennis Shiu requires continued supervision and for how long. The cost for any such report will be borne by Dennis Shiu;
- d) Dennis Shiu will provide to the peer reviewer regular updates to his project list during the peer review period;
- e) All new buildings where Dennis Shiu is responsible for the mechanical and plumbing design and any projects where Dennis Shiu is designing the sprinkler system must be peer reviewed;
- f) For projects where Dennis Shiu is responsible only for restaurant/kitchen exhaust systems or retail space renovations, the peer reviewer shall select from the project list and review 40% of the projects at his discretion. The amount of the peer reviews may be reduced after 6 months at the peer reviewer's discretion and with the approval of the Registrar but in no case shall the peer reviews be reduced to less than 20% of the projects in this category
- g) Dennis Shiu's obligation for peer reviews or supervised practice will continue until the twelve month report of the peer reviewer or supervising engineer has been reviewed and considered by the Discipline Committee; and

- h) If Dennis Shiu does not arrange for a peer reviewer or supervising engineer as required in conditions 2 and 3 above, respectively, in the required time, then his membership in the Association shall be suspended until all unmet conditions have been satisfied.

This Consent Order is approved and accepted by Dennis Shiu and a member of the Discipline Committee this 28 day of SEPT, 2009.

Dennis Shiu
Witness

Dennis Shiu
Dennis Shiu, P.Eng.

[Signature]
Witness

R. Wares
Roy Wares, P.Eng.
Chair, Discipline Committee

John Robertson