

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

and

**IN THE MATTER OF TATIANA (AKA TANYA) LEVIN, P.ENG.**

**File No. T17-019**

**CONSENT ORDER**

**Background**

1. On February 28, 2019, the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the “**Association**”), doing business as Engineers and Geoscientists BC, issued a Notice of Inquiry to Tatiana (aka Tanya) Levin, P.Eng. (“**Ms. Levin**”) pursuant to section 32 of the Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116 (the “**Act**”).
2. The Association and Ms. Levin wish to resolve the matter by way of a consent order pursuant section 32.1 of the Act.

**Admissions**

3. Ms. Levin admits that in connection with a project in which she was engaged to design an on-site sewerage system (the “**Design**”) for a new residence on Steveston Highway in Richmond, BC (the “**Richmond Site**”):
  - A. That contrary to the Act, Ms. Levin demonstrated unprofessional conduct, incompetence or negligence in or about June to September 2016 in connection with the Design. In particular, she prepared plans, specifications, and supporting documents, submitted to the City of Richmond and the Vancouver Coastal Health Authority (the “**Health Authority**”) on or about September 16, 2016, which were deficient and not consistent with industry standard practices, particulars of which include the following:
    - i. the Design uses a Type 1 treatment method when that treatment method was not suitable for the Richmond Site;
    - ii. the Design’s horizontal separation to the foundation perimeter drain is too short;
    - iii. the Design’s seepage bed is too short and undersized;  
and

- iv. the Design does not include documented rationales for departures from the British Columbia Ministry of Health Standard Practice Manual (the “Manual”).
- B. That contrary to the Act, Ms. Levin demonstrated unprofessional conduct, incompetence or negligence on or about September 16, 2016, when she provided a written assurance to the Health Authority pursuant to s. 8(2) of the *Sewerage System Regulation*, BC Reg. 326/2004, that the Design was consistent with Standard Practice as reflected in the Manual, when she knew or ought to have known that the Design was not consistent with Standard Practice or the content of the Manual.
- C. That contrary to the Act, Ms. Levin demonstrated unprofessional conduct, incompetence or negligence when, prior to completing the Design in or about June to September 2016, she failed to undertake an adequate soil evaluation, or ensure an adequate soil evaluation was undertaken at the Richmond Site, including by failing to:
- i. conduct sufficient percolation or permeability tests in the dispersal area; and
  - ii. determine minimum descriptive characteristics of the soil properties, in particular:
    - i. soil structure;
    - ii. soil consistence;
    - iii. percentage of coarse fragments;
    - iv. rooting depth;
    - v. presence and depth of mottling; and
    - vi. seasonal high water table (the “SHWT”) depth.
- D. That contrary to the Act, Ms. Levin demonstrated unprofessional conduct, incompetence or negligence when, in the course of preparing the Design and applying to the Health Authority for approval of the Design, she accepted and relied upon an incomplete and substandard site and soil evaluation report, which failed to sufficiently set out the soil evaluation information detailed above at subparagraphs C(i) and C(ii).
- E. That contrary to the Act, Ms. Levin demonstrated unprofessional conduct in or about June to September 2016, by undertaking and accepting responsibility for the Design when she was not qualified by virtue of her training and experience to do so.

- F. The conduct set out above at paragraphs A-E is contrary to Principle 1 of the Association's *Code of Ethics*, which requires that all members and licensees shall hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.
- G. The conduct set out above at paragraph E is contrary to Principle 2 of the Association's *Code of Ethics*, which requires that all members and licensees shall undertake and accept responsibility for professional assignments only when qualified by training or experience.

### **Disposition**

- 4. This Consent Order is made pursuant to section 32.1 of the Act
- 5. Ms. Levin's membership in the Association is suspended for a period of two months commencing on September 1, 2019 (the "**Suspension**").
- 6. The following conditions are imposed on Ms. Levin's membership:
  - A. from the date of the execution of this Consent Order until September 1, 2019, Ms. Levin will limit her practice to those project files that she is currently engaged on and will not take on any new engineering work;
  - B. from the date of the execution of this Consent Order, Ms. Levin is prohibited from designing sewerage systems, except as set out in paragraph 7(A) below; and
  - C. from the date of the execution of this Consent Order, Ms. Levin is prohibited from acting as an "authorized person" under the *Sewerage System Regulation*, BC Reg. 326/2004, as amended.
- 7. Ms. Levin may apply to the Association's Discipline Committee to lift or vary the practice restrictions set out in paragraph 6(B) and 6(C) above by providing proof to the Discipline Committee that she has successfully completed further training and education in designing sewerage systems, and satisfying the Discipline Committee that she is competent to design sewerage systems. Prior to making an application, Ms. Levin must, at a minimum, satisfy the following conditions and provide proof thereof to the Discipline Committee:
  - A. If Ms. Levin designs sewerage systems following the period of suspension set out above in paragraph 5, all such work must be peer reviewed pursuant to the Association's *Discipline Committee Order Peer Review Policy*, by a peer reviewer approved by the Association's Registrar;

- B. The peer review referred to above in paragraph 7(A) must continue for a minimum of 24 months from the date a peer reviewer is approved by the Association's Registrar, at Ms. Levin's cost;
  - C. Following the 24 month period referred to in paragraph 7(B) above, Ms. Levin shall obtain an opinion from the peer reviewer that Ms. Levin is competent to perform sewerage system designs and provide that opinion to the Association's Registrar;
  - D. Twelve months after commencing peer review, Ms. Levin will undergo a Practice Review, at her own cost, the precise timing of which will be determined by the Practice Review Committee; and
  - E. Ms. Levin shall successfully complete one of the following two courses at her own expense:
    - i. "ROWP Planner" course provided by the BC OnSite Sewage Association; or
    - ii. "Onsite Wastewater Practitioner Training Program Phase I" course provided by WCOWMA Onsite Wastewater Management of BC.
8. Ms. Levin shall pay \$7,000 toward the Association's legal costs within 30 days of the date of this Consent Order.
9. In the event that Ms. Levin fails to comply with any of the terms of this Consent Order, her membership in the Association will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

### **Consequences of the Consent Order**

10. The full text or a summary of this Consent Order will be published by the Association in print and electronic publications including on the Association's website.
11. 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 conditions in the Consent Order are not met.
12. Ms. Levin agrees that she has had the benefit of independent legal advice regarding this Consent Order.

13. The Association and Ms. Levin agree that this Consent Order may be executed in counterparts and delivered as an electronic document.

This Consent Order is approved and accepted by Ms. Levin and the members of the Discipline Committee Review Panel this 17th day of August, 2019.

<original signed by>

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Tatiana (aka Tanya) Levin, P.Eng.

Andrey Levin

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Name of Witness

<original signed>

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Signature of Witness

<original signed by>

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Ronald Yaworsky, P.Eng.  
Member, Discipline Committee

<original signed by>

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Roz Nielsen, P.Eng.  
Member, Discipline Committee

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Chris Arthur, P.Eng.  
Member, Discipline Committee