



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

and

IN THE MATTER OF BRIAN SMIT, P. ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-022

CONSENT ORDER

Background

1. On July 30, 2023, the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued a Citation to Brian Smit, P.Eng., pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”).
2. While the allegations set out in the Citation are made under the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “EGA”), the EGA was repealed and replaced by the PGA on February 5, 2021, and the procedures established by the PGA and the current Bylaws of Engineers and Geoscientists BC will be followed as far as they can be adapted to the proceeding related to the allegations set out in the Citation.
3. Engineers and Geoscientists BC and Mr. Smit now wish to resolve this matter by consent pursuant to section 73(2) of the PGA in order to avoid the need for a disciplinary hearing.

Admissions

4. Mr. Smit admits allegations set out in the Citation, namely that he demonstrated unprofessional conduct in relation to the preparation of structural and architectural drawings that he authenticated between June and November 2019 for the

construction of a modular system to serve as an office building near Tofino, British Columbia, in particular, by failing to:

- a. adequately take seismic forces into account when he authenticated a Foundation & Structural Design Summary Report (Civil/Structural) on June 26, 2019 and when he authenticated the Foundation Loading Summary Report (Civil/Structural) on July 23, 2019 (collectively, the “Design Load Reports”), and made the calculations in support thereof, failing to ensure those reports reasonably accounted for gravity and lateral force resisting elements to satisfy possible structural failure; and
- b. prepare the drawings identified as BRT-19-076-STR-001, BRT-19-076-STR-002, BRT-19-076-STR 003, BRT-19-076-STR-004 and BRT-19-076-STR-005 (the “Final Design Drawings”) in compliance with the applicable building code requirements and guideline materials despite issuing those drawings for construction and authenticating them, including inadequate details to clearly identify:
 - i. the lateral load path from the roof diaphragms, shear walls, and floor diaphragms; and
 - ii. the specific Seismic Force Resisting System elements such as diaphragms and splices for tension/compression chords for the roof diaphragm; and
- c. comply with section 14(b)(4) of the Bylaws of Engineers and Geoscientists BC, as they then were, in failing, prior to issuing the Final Design Drawings for construction, to obtain a documented independent review of his structural designs by members or licensees having appropriate experience in designing structures of a similar type and scale, and who were not involved in preparing the designs.

Disposition

5. By consent, this Consent Order is made pursuant to section 73(2) of the *PGA*.
6. Mr. Smit’s registration with Engineers and Geoscientists BC is suspended for a period of three months commencing on March 28, 2024 (the “Suspension Period”).
7. During the period from the date of the execution of this Consent Order to the commencement of the Suspension Period, Mr. Smit will:
 - a. make reasonable arrangements for the orderly transfer of his ongoing professional engineering project files to other professional engineers; and
 - b. limit his practice to those project files that he is currently engaged on and will not take on any new project files or other engineering work.

8. Prior to the end of the Suspension Period, Mr. Smit must provide written notice to Engineers and Geoscientists BC that, at his own expense, he has completed the Professional Engineering and Geoscientists Practice in BC Online Seminar.
9. Mr. Smit must, at his own expense, complete and pass one of the following two courses offered by the Structural Engineers Association of British Columbia during the April 2024 term:
 - a. C6 Dynamic Analysis of Structural Systems;
 - b. E23 Performance-based Seismic Design of Buildingsor an equivalent course approved in writing by Engineers and Geoscientists BC.
10. Six months after the conclusion of the Suspension Period, Mr. Smit agrees to undergo a practice review conducted by Engineers and Geoscientists BC (the "Practice Review") at his own expense. The precise timing and process of the Practice Review will be determined by the Audit and Practice Review Committee.
11. Mr. Smit will pay \$18,750.00 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.
12. In the event that Mr. Smit fails to comply with any of the terms of this Consent Order, his registration with Engineers and Geoscientists BC will be suspended until every default has been remedied in accordance with the terms of this Consent Order.

Consequences of the Consent Order

13. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications.
14. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
15. Mr. Smit acknowledges that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.

16. Mr. Smit and Engineers and Geoscientists BC agree that this Consent Order may be executed in counterparts and delivered as an electronic document

This Consent Order is approved and accepted by Mr. Smit and the members of the Discipline Resolution Panel of Engineers and Geoscientists BC this 27 day of March , 2024.

<original signed by>

Brian Smit, P.Eng.

Jordan Smit

Print Name of Witness

<original signed by>

Signature of Witness

<original signed by>

Roz Nielsen, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Jurgen Franke, P.Eng.
Member, Discipline Resolution Panel

<original signed by>

Mike Racich, DMD
Member, Discipline Resolution Panel