

PRACTICE REVIEW BOARD

ETHICS ENFORCEMENT CASE HISTORIES JANUARY 2012 TO DECEMBER 2012

PRACTICE REVIEW BOARD DISCIPLINE REPORTS PREAMBLE

The Applied Science Technologists and Technicians of British Columbia (ASTTBC) is incorporated under the Applied Science Technologists and Technicians (ASTT) Act RSBC 1979 c.16.1 in 1985; since revised as RSBC 1996 c.15 on April 21, 1997.

The ASTTBC provides professional certification to technologists and technicians in the applied science technologies related to Biological Sciences, Biomedical Engineering, Building, Chemical, Civil Engineering, Electrical, Electronics, Environmental, Forest Engineering, Gas & Petroleum, Geomatics, Industrial, Information, Instrumentation, Mechanical, Metallurgical and Mining disciplines. The ASTTBC also grants technical specialist certification in technical areas such as building design, construction safety, fire protection, house and property inspection, onsite wastewater, public works inspection, site improvements surveys, steel detailing and timber cruising.

“Our purpose”, as generally stated in the ASTT Act is, “To maintain, improve and increase the knowledge, ability and competence of technologists and technicians; to regulate standards of training and practice of and for its members, and to protect the interests of the public.” The ASTT Act and Regulations, in the provision of professional certification of technologists, technicians and technical specialists, requires **that Members and Registrants adhere to a Code of Ethics, provides a disciplinary mechanism to deal with breaches of the Code** and protects ASTTBC’s titles and designations.

The ASTTBC Council has charged the Practice Review Board (PRB) of ASTTBC with the responsibility for enforcement of the “Code of Ethics” for Member’s or Registrant’s professional practice and conduct, as well as with protecting ASTTBC’s titles and designations. The following report reflects the activities and resolved case files of the PRB. It is the policy of ASTTBC to only report on the specific details of cases (names, places and dates etc.) when the case has resulted in censure as a result of a Disciplinary Hearing or the PRB has determined it is in the public interest to have such information provided.

Report from the Practice Review Board (PRB) for resolved Complaint Cases that are related to Ethics enforcement from January 2012 to December 2012:

CASE #11-64

STATEMENT OF COMPLAINT

A complaint was made against an ASTTBC CTech, Member, who was also registered as a Certified Residential Designer (CRD), due to his alleged shortcomings of inadequate drawings, failure to accept these shortcomings, and the denial of the facts presented to him.

BACKGROUND

The complainant had hired the Member to design a building extension. The complainant stated in a written letter to the Member that he failed to indicate the floor height on the plans, but did indicate a 6'-8" high entrance door along with a standard lintel, bringing the addition floor level higher than the original floor level. In doing so, the roof system for the addition did not line up with the existing roof system.

INVESTIGATION

The ASTTBC Investigator met with the Member and, as requested, he provided a copy of the building addition plans in question, and a copy of a recent building addition plan that was approved for building permit and was constructed. The plans were hand drawn, neat, clear and contained more detail than normally shown by other designers. Overall very good drafting and design skills. The Investigator was impressed with the Member's knowledge of the Code of Ethics, integrity, B.C. Building Code as well as surveying and construction practices.

In reviewing the drawings in question, there were mistakes that were made by the Member, the owner, the framer and the truss company. The Member took full responsibility for the errors that he had made. The issue with the design is that the roof addition does not line up on the same plain as the existing roof structure. There are three factors of why this happened. The homeowner, who is the complainant, shifted the house back 6". He also made the ceiling height 7'-9" rather than 7'-6", as was indicated on the plans. These are items #1 and #2. The third item or factor is that the Member calculated the existing roof or truss span longer than it actually was. He has fully acknowledged this mistake. Due to the adjustment in placement of the foundation and the added 3" in building height, the mistake with the difference in the roof height from the existing structure to the addition resulted in the roofs not lining up. The only difference is that due to the miscalculation by the Member, the difference in roof plains is greater than if the calculation of the truss span was correct. In other words the damage was done before the roof went on.

The Investigator had a phone conversation with a contractor in and around the Member's local municipality. The contractor stated that he had the Member design his buildings for 'a good three years'. He found that the Member's drawings were detailed and accurate. He also said that the Member's integrity was good and had no past issues working with his plans. His only complaint was that the Member was still hand drawing his plans. This does not affect any findings that the Investigator came across.

The Investigator had great difficulty in reaching the complainant and was unsuccessful at being able to discuss the matter directly with him. The investigator also could not get the information on the company that did the framing, as this had to come from the complainant. As a result he could not ask the framing contractor questions related to the site situation at the time of framing.

DISCUSSION

The main issue with the Member's design is that the entrance door was identified as a 6'-8" door, which led the builder to think he had to add 3" in ceiling height, even though the plans show 7'-6" ceiling. The complainant indicated on his letter to the Member that they used industry standards to frame the walls.

This statement is not true, being that industry standards are three plates total and a minimum 2-2x10 lintel over an opening, bringing the ceiling height to 8'-0 3/4", not 7'-9" as they built it. The blame for this mistake lies with the complainant and the builder. They should have had a meeting with the Member to come up with a solution that would work, or at least realize that calling up the door height was a mistake. Dimensions showing ceiling height on sections or elevations overrule what are indicated on the Member's plans. The next issue is that the contractor moved the addition foundation back 6". This alone would affect how the rooflines would line up even without the ceiling being raised 3". The last issue was that the Member calculated the existing roof span incorrectly. If the foundation and ceiling height were built as per plan, there would still be an issue with the roofs lining up. The ceiling height and the foundation being moved back only compounded the problem. By this time on the job site, the Member was asked to leave and advised that his involvement in this project was no longer required. The Member did go to the property again to try and figure what went wrong. He did supply the Investigator with pictures of a finished looking house.

The Member has indicated that he accepts responsibility for the error in the existing roof span to the addition span. If the complainant had followed the dimensions as indicated on the plan there would still be an issue with the roof. In the Investigator's opinion, there could have been an easy solution to fix the roof problem with the help of the truss company at very little additional cost. The complainant, with the help of a builder / framer, did not have enough experience in reading plans or building. The Investigator also believes that the contractor went rogue, being that he had started construction without a building permit. Aside from the fact that the Investigator did not speak with the complainant directly, he believed he had enough information to complete his report to the Practice review Board.

The builder and complainant were determined to be at fault for not calling the Member when they found an error, for moving the foundation back 6" and raising the ceiling height to 7'-9" rather than 7'-6". The Member is also at fault for not realizing the error in roof spans. As indicated above, the damage was done before the complainant got to the roof. The Member should not be held responsible to the final outcome of this design and building.

OUTCOME

The Practice Review Board determined that, since there was no evidence that the CTech, CRD Member violated the ASTTBC Code of Ethics or expected standards of practice, the case file be closed. While an error or omission may have occurred, this was for courts of a higher jurisdiction, as to possible litigation, and not for the Practice review Board to offer comment.

CASE #12-31

STATEMENT OF COMPLAINT

A complaint was made against an ASTTBC CTech, Certified Residential Designer (CRD), for allegedly misrepresenting design guidelines and allowing the construction of a house that did not conform to the Building Scheme.

BACKGROUND

A homeowner, who is the complainant, purchased a lot on a cul de sac in a new development, where houses on 2 lots were yet to be built. When construction on a lot adjacent to his house started, the complainant was concerned that the house design did not conform to the guidelines specified by the developer and the municipal authority.

The ASTTBC member was also thought to be a member of the Architectural Institute of British Columbia (AIBC). The complainant first lodged a complaint with AIBC. When he was informed that the designer was no longer a member of AIBC, he submitted the complaint to ASTTBC and included photographs of the house on the lot in question, as well as his house. His allegations included the fact that the CRD had misrepresented design guidelines by not conforming to the building scheme, that the house in question exceeded the allowable square footage ratio for the 1st floor and the 2nd floor and that a deck and a

basement window on the front of the house were also considered contrary to building regulations. Furthermore, the design, size and location of the house being constructed created a canyon affect between the two houses. The complainant also alleged that the CRD had ignored his phone calls and email communications and was hiding from the issues, and made serious allegations regarding the CRD's integrity and professionalism. An implication was made that the CRD had resigned from the AIBC because of this complaint.

INVESTIGATION

An investigation was initiated and the CRD was given a copy of the complaint and an opportunity to respond. In his response, the CRD also submitted to the investigator photographs that were taken by him.

In addition to reviewing the CRD's documentation, the ASTTBC investigation of the complaint included a review of the design guidelines and the municipal zoning bylaws for the lots in question. The written documentation combined with the photographs was considered adequate evidence to prepare a report for the ASTTBC Practice Review Board (PRB).

DISCUSSION

Some of the photographs sent by the complainant show the view from the front door of his house dominated by a wall of the neighboring house. However, a review of the photographs submitted by the CRD provides a different perspective in which the complainant's house is set further back from the street compared to the house that is thought to be in violation of design guidelines.

When viewing the photograph of both houses from the street, the canyon effect claimed by the complainant is not evident. The house in question is similar in style to others on the cul du sac. The complainant's house is a different design given that the second floor is built within the roof structure. Housing lots in a circular cul de sac can frequently produce irregular wedge-shaped lots. The lot for the house in question is one such challenging lot. However, the investigation showed that the designer had met all the required setbacks.

The investigator concluded that the CRD complied with all the necessary design guidelines. Although the complainant had observed, during construction, an opening in the wall framing leading to an open area where no flooring was to be built, an assumption cannot be made that joists and flooring would be constructed to fill in the open space at some time in the future, thereby increasing the square footage. Such a divergence from the approved design would be a complaint to the municipal building department. The investigation also revealed that the reason for the CRD to discontinue membership with the AIBC was completely independent and had nothing to do with the complaint.

OUTCOME

The Practice Review Board determined that, since there was no evidence that the CTech, CRD Member violated the ASTTBC Code of Ethics or expected standards of practice, the case file be closed.