

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

- and -

IN THE MATTER OF ELWYN ROBERT BURCH, P.Eng.

FILE NO. T14-023

CONSENT ORDER

Dated for reference MAY 27, 2015.

WHEREAS the Association of Professional Engineers and Geoscientists of the Province of British Columbia (the "APEGBC") issued a Notice of Inquiry dated March 22, 2015 containing various allegations against Elwyn Robert Burch, P.Eng. ("Mr. Burch").

AND WHEREAS Mr. Burch admits the following allegations contained in the Notice of Inquiry:

1. you have demonstrated unprofessional conduct, in your provision of professional engineering services, during the period from in or about November 2013 to in or about January 2014, in connection with the location of a sewerage system for a property in Comox, British Columbia (the "Engineering Work"), and in connection with your causing of engineering documents relating to the Engineering Work being prepared and filed with the Vancouver Island Health Authority, in circumstances in which you knew or ought to have known that the Engineering Work was in breach of the *Sewerage System Regulation*, B.C. Reg. 209/2010, as amended (the "SSR"), in that the Engineering Work was not consistent with the requirements of any "source of standard practice" permitted under the SSR;
2. you have demonstrated unprofessional conduct in your capacity as an "authorized person" as defined under the SSR with respect to the Engineering Work, in that you knew or ought to have known that the assurance statement which you made in the Filing of Sewerage System forms dated November 20, 2013 and December 12, 2013, each of which you caused to be filed with the Vancouver Island Health Authority, contained inaccurate and/or false information;
3. you have demonstrated unprofessional conduct in your preparation of the Hydrogeology Report dated December 12, 2013 (the "Report"), in that, without

reasonable factual or scientific bases, you made conclusions in the Report in circumstances in which you knew that other persons would rely on the Report under the SSR; and

4. you have contravened the APEGBC Code of Ethics, including principles 2 and 3, in that you prepared the Report in circumstances in which you did not have the required qualification by training or experience in the field of hydrogeology and/or you lacked adequate knowledge to make the conclusions which you made in the Report.

AND WHEREAS APEGBC and Mr. Burch wish to resolve this matter by consent so as to avoid the need for a disciplinary inquiry.

THEREFORE by consent, these orders are hereby made, pursuant to the Act, specifically s. 32.1:

- (a) Mr. Burch is hereby reprimanded.
- (b) From the date for reference of this Consent Order, Mr. Burch will immediately cease and desist from all of the following practices:
 - (i) designing sewerage systems;
 - (ii) acting as an "authorized person" under the *Sewerage System Regulation*, B.C. Reg. 209/2010, as amended;
 - (iii) providing hydrogeological advice or services to any person;
 - (iv) advertising his name on the "Professionals for Sewerage System Regulation" list that is published on APEGBC's website; and
 - (v) representing himself as a "Wastewater Engineer" on any letterhead, business card, advertisement, publication, or in any oral or written communication to any person.
- (c) Mr. Burch will be the subject of a practice review by APEGBC's Practice Review Committee, at his own expense. The practice review must be completed within a year of the date for reference of this Consent Order, unless additional time is required by the Practice Review Committee, in which case the deadline for the completion of the practice review may be extended, at the discretion of the Practice Review Committee.
- (d) Mr. Burch may in the future apply to APEGBC's Discipline Committee for the lifting or variation of the practice restrictions set out at paragraph (b), upon his providing to the Discipline Committee proof that he has successfully

completed further training and education in hydrogeology and in designing sewerage systems that is deemed by the Discipline Committee to be adequate and acceptable. Any such application made by Mr. Burch may be rejected by the Discipline Committee if the Discipline Committee is not satisfied that Mr. Burch has obtained adequate competence, education, training, or experience to practice in hydrogeology or in designing sewerage systems.

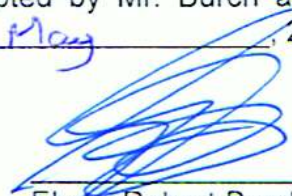
- (e) If Mr. Burch fails to comply with any of the orders set out at paragraph (b) and (c) above, Mr. Burch's membership in APEGBC will be suspended until Mr. Burch is in full compliance with those orders.

The full text or a summary of this Consent Order will be published by APEGBC in print and electronic publications including on APEGBC's website.


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 the orders set out herein are not met.

This Consent Order is approved and accepted by Mr. Burch and a member of the Discipline Committee this 27th day of May, 2015.

Kim Wilford
Witness Name


Elwyn Robert Burch, P.Eng.

Kim Wilford
Witness Signature


Paul Adams, P.Eng.
Chair, Discipline Committee