



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

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

**and**

**IN THE MATTER OF JOHN VAN DYK, P.ENG.**

**ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-024**

**CONSENT ORDER**

**Background**

1. On July 27, 2023, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “PGA”), the appointed Investigation Subcommittee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, issued an investigation report (the “Report”) regarding John Van Dyk. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the *Bylaws* of Engineers and Geoscientists BC.
2. The Report summarized the investigation into the conduct of Mr. Van Dyk who was contracted in 2020 as a field engineer to conduct a prior-to-pour inspection of the formwork and falsework erected in part of a building in Colwood, BC (the “Project”).
3. Mr. Van Dyk conducted a number of field reviews of the Project site throughout 2020 using drawings that were provided to him by the general contractor for the Project.
4. The Project drawings were completed by another engineering firm and not Mr. Van Dyk.
5. On December 23, 2020, Mr. Van Dyk inspected the part of the Project site and was informed that the concrete pour would take place the following day. Later that same day, he was informed that the concrete pour would not take place until the following week as the rebar was not finished. Mr. Van Dyk noticed differences between the

Project drawings he was relying on and the Project site but completed his inspection despite the inconsistencies.

6. Mr. Van Dyk was not advised that the formwork had been constructed without drawings.
7. On January 4, 2021, Mr. Van Dyk was informed that the concrete pour would occur the next day on January 5, 2021. Mr. Van Dyk, without doing a second inspection, authenticated a field review report based off his previous inspection on December 23, 2020. The formwork and falsework collapsed during the concrete pour (the "Collapse").
8. WorkSafeBC conducted an investigation of the Collapse. The investigation did not reveal a singular cause of the Collapse.
9. On July 27, 2023, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
10. The Investigation Committee and Mr. Van Dyk wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
11. Mr. Van Dyk fully cooperated with the investigation.
12. Mr. Van Dyk consents to the disposition set out below.

### **Legislation**

13. On February 5, 2021, the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the "*EGA*") was repealed and replaced by the *PGA*.
14. The conduct of Mr. Van Dyk took place at a time when the *EGA* was in force. As a result, the conduct in question is considered pursuant to sections 30(9)(b) and 30(9)(c) of the *EGA*, and the *Bylaws* and *Code of Ethics* under the *EGA*.
15. Pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, investigations commenced under the *EGA* carry on procedurally under the *PGA*.

### **Admissions**

16. Mr. Van Dyk admits that he demonstrated unprofessional conduct, in relation to his inspection and approval of the formwork and falsework for the Project. In particular, Mr. Van Dyk admits that he:
  - a. relied on incorrect drawings of the formwork and falsework in carrying out his inspection when he knew or ought to have known that the drawings were incorrect;

- b. failed to inspect the formwork and falsework immediately before the concrete pour as required by section 20.26(1) of the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97;
  - c. authenticated a field review report on January 4, 2021, when he had not inspected the formwork and falsework since December 23, 2020;
  - d. failed to undertake adequate quality assurance practices by failing to create or maintain adequate documentation of his inspection of the Project site to prepare the field review for the Project.
17. The conduct set out above at paragraph 16 is contrary to Principle 1 of the Engineers and Geoscientists BC Code of Ethics, as it stood at the time (the “Code of Ethics”), which required 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.
  18. The conduct set out above at paragraph 16(b) and (c) is contrary to Principle 3 of the Code of Ethics which required that all members and licensees shall provide an opinion on a professional subject only when it is found upon adequate knowledge and honest conviction.
  19. The conduct set out above at paragraph 16(d) is contrary to section 14(b) of the Engineers and Geoscientists BC Bylaws, as it stood at the time, which required that members and licensees shall establish and maintain documented quality management processes for their practices, including documented field reviews by, or under the direct supervision of, members or licensees, of their domestic projects during implementation or construction.
  20. The admissions made in this Consent Order are made for the purposes of this proceeding and not for the purposes of any other proceeding.

### **Disposition**

21. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.
22. Mr. Van Dyk’s registration in Engineers and Geoscientists BC is suspended for a period of three months commencing on June 28, 2024 (the “Suspension Period”).
23. Prior to the end of the Suspension Period, Mr. Van Dyk must provide written notice to Engineers and Geoscientists BC that, at his own expense, he has completed the Professional Engineering and Geoscience Practice in BC Online Seminar.
24. Mr. Van Dyk must provide written notice to Engineers and Geoscientists BC that, at his own expense, he has completed the following course: Designing Temporary Structures (provided by EPIC online, October 8-9, 2024, Course Code: 15-1021-ONL24).

25. Prior to the completion of the Suspension Period, Mr. Van Dyk will provide a declaration that he has read and is familiar with the following Engineers and Geoscientists BC Guidelines:
  - a. *Professional Practice Guidelines: Engineering Services for Temporary Structures: Formwork, Falsework, and Reshore*, Version 1.0, published on August 11, 2021; and
  - b. *Quality Management Guides: Guide to the Standard for Documented Field Reviews During Implementation or Construction*, Version 3.0, published on June 15, 2023.
26. Six months after the conclusion of the Suspension Period, Mr. Van Dyk will 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.
27. Mr. Van Dyk will pay \$3,000 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.
28. In the event that Mr. Van Dyk 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**

29. 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.
30. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
31. Mr. Van Dyk has received independent legal advice regarding the content of this Consent Order.

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32. Mr. Van Dyk 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. Van Dyk and the Investigation Committee this 27 day of June 2024.

<original signed by>

\_\_\_\_\_  
John Van Dyk, P.Eng.

Avi Van Schaik

\_\_\_\_\_  
Name of Witness

<original signed by>

\_\_\_\_\_  
Signature of Witness

The Investigation Committee of the Association  
of Professional Engineers and Geoscientists  
of the Province of British Columbia

<original signed by>

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Per: Peter Helland, P.Eng.  
Chair, Investigation Committee