

MALL COLLAPSE

still reverberates one year later

By Michael Mastromatteo

AS ONTARIO marks the first anniversary of the fatal Elliot Lake shopping mall collapse, PEO continues to pay close attention to testimony given at the public hearings with a view to making meaningful recommendations to the commission of inquiry.

On June 23, 2012, a section of the rooftop parking deck of the Algo Centre Mall collapsed, killing two people and injuring several others. The province responded by establishing a public commission of inquiry led by retired Justice Paul Bélanger, to look into events prior to the collapse and to the government's response to the emergency.

In November, PEO was granted standing in Part I of the commission of inquiry, dealing with events prior to the collapse. As a participant with standing, PEO may have:

- access to documents the commission collects, subject to the commission's *Rules of Procedure*;
- advance notice of documents proposed to be introduced into evidence;
- advance provision of statements of anticipated evidence;
- a seat at the counsel table;
- the opportunity to suggest witnesses to be called by the commission counsel, and if those witnesses are not called, the opportunity to apply to the commission to lead the evidence of a particular witness;
- the right to cross-examine relevant witnesses; and
- the opportunity to make closing submissions.

PEO has opened investigations into what part, if any, the conduct of its licence and certificate holders might have played in the tragedy. PEO legal counsel also

attended for several of the hearing days when witnesses relating to PEO's role as the regulator of professional engineering testified and cross-examined them with a view to clarifying their testimony for the commissioner.

At its meeting on June 10, PEO council appointed an ad hoc Elliot Lake Advisory Committee, comprising President-elect David Adams, P.Eng., FEC, Past President Denis Dixon, P.Eng., FEC, and councillors Dave Brown, P.Eng., Len King, P.Eng., FEC, and Chris Roney, P.Eng., BDS, FEC, to advise PEO Acting CEO/Registrar Michael Price, P.Eng., FEC, on issues relating to the inquiry. Final submissions from Part I participants are due to be submitted to the commission by August 2. Part I participants are scheduled to testify to their submissions August 12 to 14.

In April, the Ontario Ministry of Labour announced that it had charged Robert Wood, a Sault Ste. Marie-based former engineer, with two counts of violating the *Occupational Health and Safety Act*. The two counts consist of endangering a worker as a result of providing negligent advice and "working in a manner that may endanger a worker."

Wood conducted a structural condition assessment for the mall's owner in April 2012 and declared the mall's structural steel members still to be structurally sound, despite some evidence of water infiltration and rusting. PEO suspended Wood's licence in November 2011 and revoked it in November 2012 as the result of a finding of professional misconduct in respect of an unrelated project.

Evidence of many of the 62 witnesses who testified prior to the commission beginning a three-week summer break on June 14 noted that the roof of the mall had leaked since



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the mall opened in 1980, despite ongoing roof patching and repairs by all three of the property's owners during that timeframe. A March 2013 forensic engineering investigation by the Toronto firm NORR Limited found that severe corrosion of welds on a steel connector supporting the rooftop parking deck led to its sudden collapse.

In a statement prior to the commission's summer hiatus, Commissioner Bélanger noted that the

inquiry had sat for 62 days of hearings since March, and that there had been more than 6400 exhibits filed and tens of thousands of pages of transcript generated. He said it is his hope to have the Part I hearings completed by the end of July, so that the Part II hearings can start in early August. Once the Part II hearings are concluded, policy roundtables, aimed at looking to the future to ensure a similar tragedy does not happen again, will begin.

MEMBERSHIP, PEO RELATIONS at top of OSPE agenda

By Michael Mastromatteo

IN TAKING THE helm of the Ontario Society of Professional Engineers (OSPE) at the advocacy body's annual meeting and general assembly May 7 in Toronto, its new president and chair outlined priorities for the organization and highlighted recent events.

Paul Acchione, P.Eng., former vice chair and head of OSPE's Energy Task Force, succeeded Nadine Miller, P.Eng., who helped steer the organization toward a more positive relationship with PEO in 2012.

The OSPE-PEO relationship grew tense in late 2011 after PEO terminated an outdated memorandum of understanding with the organization, following a vote by PEO members. Relations were further strained by PEO's opposition to Bill 15, a private member's bill before the Ontario legislature, which, if enacted, would have provided statutory recognition to OSPE.

The bill survived second reading in March 2012, but came to a halt with last fall's prorogation of the legislature.

In his remarks, Acchione outlined three priorities for OSPE, as spelled out by its board of directors: growing membership, partnering with PEO's chapter system, and enhancing professional relationships with PEO and other engineering-related associations.



OSPE's 2013 executive includes, back row, left to right, Danny Young, P.Eng., Jane Huang, P.Eng., Jonathan Hack, P.Eng., Valerie Davidson, P.Eng., Ray Givens, P.Eng., Karen Chan, P.Eng., Greg Cook, P.Eng., and Clare Morris, P.Eng.; front row, left to right, Rick Hohendorf, P.Eng., Nadine Miller, P.Eng., Paul Acchione, P.Eng., David Wood, P.Eng., and Graham Greenland, P.Eng.

"Through our member surveys, engineers continue to identify as a top priority the importance of advocating with government, industry and the public to help them understand the value engineers bring to our society, thereby garnering greater recognition and respect for the engineering profession," Acchione said. "This type of advocacy work requires OSPE to significantly build up its membership to demonstrate that we speak for the profession."

Outgoing President Miller, meanwhile, cited the importance of OSPE-PEO relations as a key to the organization's progress, adding it's essential to restore the faith of all Ontario engineers in the relationship.

Miller also praised PEO Past President Denis Dixon, P.Eng., FEC, for his commitment to more harmonious relations between the regulator and the engineering profession's advocacy/member services body.

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