



The Association of Professional
Engineers and Geoscientists of Alberta

APEGA APPEAL BOARD DECISION

Date of Hearing: October 24, 2025

Date of Decision: December 8, 2025

Case: 23-011-FH

IN THE MATTER OF the *Engineering and Geoscience Professions Act*

and

THE APPEAL by Stantec Consulting Ltd., from the decisions of the APEGA Discipline Committee regarding the conduct of Stantec Consulting Ltd.

HEARING PANEL:

Christina Clark, P.Eng.	(Panel Chair)
Lisa Dechaine, P.Eng.	(Panel Member)
Andrew Moulder, P.Eng.	(Panel Member)
Garnett Schommer, P.Eng.	(Panel Member)
Bolu Idowu, MBA, CPA, CGA	(Public Member)

LEGAL COUNSEL FOR THE APPEAL BOARD:

Natalie Tymchuk, Emery Jamieson LLP

APPEARANCES:

Perry Mack, K.C., and Joyce Bolton, Peacock Linder Halt & Mack LLP, Legal Counsel for Stantec Consulting Ltd., Appellant (“Stantec”)

Sonny Mercado, Corporate Representative of Stantec

Derek Cranna, K.C., Field Law LLP, Legal Counsel for the APEGA Investigative Committee, Respondent (“IC”)

Several APEGA staff members attended to observe the hearing and there were also APEGA staff present to provide administrative support for the hearing.

SUMMARY

The Appeal Board of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”) has considered this appeal and, pursuant to Section 69(3)(b) of the *Engineering and Geoscience Professions Act*, RSA 2000, c E-11 (the “Act”), confirms the Discipline Committee’s (“DC’s”) findings and sanctions. Accordingly, the appeal is dismissed.

BACKGROUND

- [1] This is an appeal pursuant to Section 67 of the Act. The IC brought the following charge against Stantec before the DC:

On or between January 2016 and August 2017, a professional mechanical engineer and principal of Stantec Consulting Ltd. (“Stantec”) authenticated six iterations of stormwater-management designs (the “Designs”) in connection with the construction of a church in [REDACTED], Alberta. The Designs were not subjected to a peer or independent review, contrary to Stantec’s own Professional Practice Management Plan (PPMP) and/or Stantec’s own Project Management Framework; and further, or in the alternative, contrary to APEGA’s *Professional Practice* guideline (2013) and/or contrary to APEGA’s *Responsibilities for Engineering Services for Building Projects* guideline (2009).

The Designs contained errors including one or more of the following:

- a. Stormwater catchment boundaries were not identified, or alternatively not adequately identified;
 - b. The total capacity or storage volume for stormwater management was inaccurately assessed;
 - c. The rate of stormwater flow leaving the system was inaccurately calculated;
 - d. Incorrect, or alternatively insufficient, elevation grading points
- [2] The DC issued a decision on August 21, 2024, finding that the charge was proven (the “Findings Decision”).
- [3] The DC invited the parties to provide submissions on sanctions and costs. On December 12, 2024, the DC issued its decision on sanctions (the “Sanctions Decision”) in which it ordered a reprimand, payment of a fine of \$5,000, payment of \$37,000 in hearing costs, and publication identifying Stantec.
- [4] Stantec has appealed both the Findings Decision and the Sanctions Decision.

PRELIMINARY MATTERS

- [5] Neither party raised any preliminary matters prior to or during the appeal hearing held via video conference on October 24, 2025. As a result, the appeal hearing was held based on the record, which was before the DC.

STANDARD OF REVIEW

- [6] The parties agree that that the DC's findings are entitled to deference, referring to the guidance set out in *Yee v College of Professional Accountants of Alberta*, 2020 ABCA 98 ("Yee"), which included the following, at paragraph 35:

When reviewing the decision of a discipline tribunal, the appeal tribunal should remain focused on whether the decision of the discipline tribunal is based on errors of law, errors of principle, or is not reasonably sustainable. The appeal tribunal should, however, remain flexible and review the decision under appeal holistically, without a rigid focus on any abstract standard of review...

- [7] Stantec also states that the Appeal Board may review the DC's decisions with fresh eyes. Pursuant to *Yee*, an appeal tribunal may independently examine questions of law arising from the profession's home statute and may apply its own expertise to findings about what constitutes professional misconduct, but it should not disregard the views of the discipline tribunal [at paragraph 35(c) and (d)].

GROUND OF APPEAL

- [8] Stantec's grounds of appeal center on its assertion that the DC's Findings Decision was unreasonable as follows:
- [a] In finding that Stantec's conduct was unprofessional;
 - [b] In misapplying Section 44 of the Act; and
 - [c] In the standard imposed on Stantec as a permit holder.
- [9] Stantec also appeals the publication order in the Sanctions Decision on the basis that it sets a punitive standard. Stantec initially appealed the costs order, but has since confirmed that the issue of costs has been resolved between the parties.
- [10] Stantec asks that the Findings Decision and Sanctions Decision be quashed and set aside.

ANALYSIS

- [11] The evidence that the DC received about Stantec included the following:

- [a] Stantec has held a Permit to Practice with APEGA since January 8, 1968.
- [b] During the period of 2016 and 2017, engineers within Stantec could hold different roles such as project engineers, managers, principals, and responsible members.
- [c] Stantec's PPMP integrates a project management framework that project managers are trained on and are expected to follow (the "PM Framework"). Project managers are responsible and accountable for their own work and their own compliance. The PM Framework includes the following mandatory steps:
- Conduct and document a quality review of final deliverables prior to issue.
 - Conduct and document an independent review of final deliverables prior to issue.
- [d] A "quality review" is performed by a person, often the project manager or a senior designer, who is involved in the day-to-day tasks of the project and knows the details of the project. An "independent review" is performed by a senior person who is not involved in the project but has the right experience or skillset to review the type of work involved.
- [e] Stantec's PPMP defines a "Responsible Member" as:
- A licensed member who is responsible for direct personal supervision of the practice of engineering or geoscience by the permit holder. The permit holder's Responsible Members direct, supervise, and control all or part of a permit holder's professional practice in accordance with the permit holder's Professional Practice Management Plan (PPMP) and all relevant legislation, regulations, and codes.
- [f] A Responsible Member has the unique authority to affix Stantec's Permit to Practice on professional work products, which signifies that they have verified that quality processes were followed. Stantec Responsible Members may also be project managers.
- [g] Stantec manages compliance with the PM Framework via risk management forms following contract execution and approval, and through random audits.

[12] The DC also received evidence regarding the Designs at issue, including the following:

- [a] In 2016-2017, GH, a professional mechanical engineer employed by Stantec:
- had more than 40 years of experience;
 - was a Responsible Member and a principal for Stantec;
 - had fiscal authority to enter contracts up to a certain value; and
 - worked on projects independently, as his supervisor did not supervise his work directly.
- [b] In January 2016, Stantec contracted to provide engineering services including "drainage and stormwater management" for an architectural firm that was retained by a diocese for the construction of a church. GH signed the contract on Stantec's behalf, and he was the design engineer of record and the project manager for Stantec on the project.

[c] Of the six Designs that GH authenticated for the project, GH affixed Stantec's Permit to Practice on four and one bore a handwritten permit number. GH did not submit the Designs for complete independent review prior to their submission to the municipality for permitting. Stantec was not aware of this at the relevant time. The Designs contained deficiencies.

Finding of Unprofessional Conduct

- [13] Based on the evidence before it, the DC found that the facts alleged in the charge were proven, and the DC went on to find that those facts demonstrated unprofessional conduct.
- [14] Stantec argues that the finding of unprofessional conduct is unreasonable because the DC failed to articulate why Stantec's failure to ensure that GH followed the PPMP was unprofessional conduct. Stantec asserts that the DC did not refer to a general formulation of unprofessional conduct, the threshold for such conduct, or how the events in this case rise to that threshold or amount to a marked departure from a professional standard as far as Stantec is concerned.
- [15] Stantec observes that the Findings Decision did not refer to the *Professional Practice* guideline v1.2, which makes a distinction between unskilled practice and unprofessional conduct, and which defines the latter as follows:
- “Unprofessional conduct” is conduct by an APEGA member which is in violation of the Code of Ethics or which is otherwise inappropriate, regardless of whether or not the conduct arise within the member's professional practice.
- [16] Stantec further argues that the charge did not allege unprofessional conduct by Stantec as the permit holder, and that the DC unreasonably equated GH's failure to meet the PPMP requirements as unprofessional conduct by Stantec. In Stantec's view, lack of controls or oversight was not the charge, and there was no allegation or evidence that the appointment of GH as a responsible member was unprofessional conduct by Stantec.
- [17] In response, the IC notes that the alleged conduct was specifically identified as unprofessional, as directly stated in the charge. The fact that the DC did not draw a distinction between “unskilled practice” and “unprofessional conduct” is inconsequential, as unskilled practice was not alleged.
- [18] The IC argues that the DC considered Stantec's conduct as a permit holder, and that the central issue of Stantec's failure to catch the error is identified within the context of Stantec's own obligations as permit holder and whether it met its required commitment to follow its PPMP. As observed in the Findings Decision:

[a] The *Professional Practice* guideline defines a PPMP as a description of a permit holder's "corporate policies, procedures and systems used to ensure that appropriate standards of professional practice are maintained." [at paragraph 22]

[b] A PPMP is a permit holder's commitment to have systems and procedures in place that serve public interest and protection purposes. A permit holder must certify it will follow the PPMP before a permit is issued. [at paragraph 48] Subsection 48(1)(d) of the *Engineering and Geoscience Professions General Regulation*, Alta Reg 150/1999 (the "Regulation") refers to that certification requirement:

48(1) The Council may issue to a partnership, corporation or other entity a permit to practice engineering or geoscience in its own name if...

(d) the professional member or licensee certifies to the satisfaction of the Council that the partnership, corporation or other entity has in place and will follow a professional management plan that is appropriate to its professional practice.

[19] The Appeal Board agrees with the DC that the expectations required of a permit holder, as described in Section 48 of the Regulation, exist to hold the permit holder responsible for having a PPMP appropriate to its practice, and to ensure the PPMP is followed—including by all employees of the permit holder.

[20] There is ample evidence on the record that supports the DC's findings that the PPMP was not followed and, accordingly, the Appeal Board upholds this aspect of the Findings Decision. Stantec observes that there is no evidence of the reasons that GH failed to follow Stantec's PPMP with respect to the Designs, and that GH did follow the PPMP for the mechanical drawings, which indicates that he was aware of the process. The Appeal Board acknowledges this evidence, but it does not resolve the issues surrounding the fact that six iterations of drawings were issued by Stantec without proper review as per its PPMP.

[21] As argued by Stantec, the appointment of GH as a Responsible Member was not found to be unprofessional conduct. However, the DC's concerns were not specific to that appointment. As noted in Stantec's appeal submission, two factors influenced why the Designs were not submitted for review: the overlapping roles of GH as project manager and Responsible Member, and the fact that Stantec had a role in appointing GH as a Responsible Member. The DC explained its concerns with the organizational structure as follows:

... Stantec's designation of GH as a Responsible Member in combination with GH's independent practice and the lack of project oversight created a situation where those in charge would not learn about concerns with GH's PPMP compliance. Such an organizational structure undermined quality assurance processes outlined in Stantec's

PPMP and the role of the Responsible Member, which elements were intended to ferret out mistakes and demonstrate that Stantec has taken responsibility for employees' designs. [at paragraph 56 of the Findings Decision]

- [22] The fact that the DC did not expressly identify a "marked departure" does not change the Appeal Board's view. As noted by the IC, the DC analyzed whether Stantec's conduct was a departure from expectations of permit holders in its review of the circumstances in which the PPMP was not followed. That analysis considered the following:
- [a] Stantec granted GH the authority to act on its behalf and designated him as a Responsible Member, which authorized him to affix Stantec's permit on the Designs.
 - [b] Stantec's permit assures the public that its quality control processes have been followed.
 - [c] The lack of awareness of GH's actions did not excuse Stantec's failure to comply with its PPMP, particularly when the organizational structure for this particular project would undermine Stantec's own quality assurance processes.
 - [d] This was not an isolated incident, as it involved six designs and occurred over period of months.
 - [e] Senior engineers must be subject to same process as every other engineer, but GH was allowed to operate independently.
- [23] There are requirements and expectations placed on permit holders and failure to fulfil those requirements and expectations can result in disciplinary findings and sanctions. APEGA acknowledges that a permit holder knows its practice and operations better than anyone else. As a result, the permit holder is entrusted to produce a PPMP that is suited for its practice. As noted by the IC, the Findings Decision holds Stantec to its obligations as permit holder, including following a PPMP that it had designed for itself.
- [24] When unique situations arise, such as the one at hand, it is also expected the permit holder will review its PPMP, practice, and operations, and determine whether any improvements need to be made. The fact that the DC did not highlight any specific areas to address in Stantec's PPMP does not indicate that improvement in ensuring compliance is unnecessary. Instead, the DC's finding of unprofessional conduct reinforces the responsibility of Stantec specifically with respect to following the processes in its PPMP.

Application of Section 44

- [25] Stantec also raised the concept of "vicarious liability," arguing that the DC finding is unreasonable since it holds Stantec vicariously liable for GH's work, despite Section 44 of the Act imposing

"direct liability," and not vicarious liability, on a permit holder. Stantec argues that this is an error in principle, based on the following reasons:

- [a] As the PPMP is not a regulation, failing to meet it is not automatically a regulatory offence. Stantec asserts that it was not charged under Section 48 of the Regulation relating to the requirement to have a PPMP.
- [b] The focus of the hearing and evidence was the controls in place to ensure compliance with the PPMP, but the issue of controls was not the actual charge before the DC.
- [c] There was no evidence that any Stantec conduct was in breach of its obligations to APEGA. Stantec points to its compliant PPMP, training and management systems and resources, and audit system. In Stantec's view, this establishes its high level of due diligence.
- [d] GH's failure to submit the Drawings for review was an unauthorized, unexplained, isolated incident in a long career.
- [e] Stantec's response upon becoming aware of the errors demonstrated professionalism.

[26] In response, the IC points out that Stantec's own conduct was not contingent on GH's conduct. The charge was not that GH failed to submit the designs for peer review. Rather, the crux of the charge was:

The Designs were not subjected to a peer or independent review, contrary to Stantec's own Professional Practice Management Plan and/or Stantec's own Project Management Framework...

[27] As observed by Stantec, GH was not a party to the investigation, the resulting DC hearing, or the appeal at hand. The involvement or lack of involvement of GH in these disciplinary proceedings has no impact on Stantec's requirements in relation to its role as a permit holder. Stantec's conduct is the focus of this appeal, as it was in the DC hearing.

[28] As noted above, Stantec had its own obligations to ensure its PPMP requirements were met. As explained by the DC, Stantec's decision to centralize authority in one person and structure a project so that Stantec would not learn of any non-compliance steps would not insulate Stantec from its permit-holder obligations [at paragraphs 55-56 of the Findings Decision].

[29] The Appeal Board agrees with the DC that the definition of unprofessional conduct in Section 44 of the Act is sufficiently broad to capture unintentional conduct. As observed by the DC, if a permit holder has a PPMP, the permit holder is responsible for ensuring its employees are complying with it. It is expected that a PPMP will always be followed. As a permit holder, Stantec appointed GH as both a Responsible Member and a project manager. This created a situation in which GH was

enabled to operate independently and affix Stantec's permit on his own work, while his work went unchecked. Stantec is able to make such appointments under the Act, but it still has the onus to ensure its own PPMP is followed. As noted by the DC, "no one other than GH was sufficiently involved in the Church project to ensure quality assurance systems and procedures were being followed" [at paragraph 53 of the Findings Decision.

- [30] The DC reasonably found that there was a failure to adhere to the systems and procedures in the PPMP. As noted above, Stantec had an obligation to ensure its PPMP was followed, pursuant to its permit and Section 48 of the Regulation. Like the DC, the Appeal Board acknowledges that Stantec took steps to address the errors in the Drawings once it became aware of them. However, it is concerning that the circumstances at hand resulted in someone outside of Stantec identifying the errors. The errors should have been caught by Stantec if it had ensured that the PPMP was followed. As noted in the charge, the Designs were not submitted for review, contrary to the PPMP. It is notable that the PPMP was not followed on six different occasions over a period of months. This revealed weak internal controls, as noted by the DC.
- [31] If Stantec created a situation where a project manager could also be a Responsible Member, it should have implemented adequate controls to ensure the PPMP was always followed. Stantec provided training on the requirements of the PPMP and PM Framework. However, as noted by the DC, Stantec had little in place to become aware of situations where quality control processes were not followed, other than the possibility that a project might be caught by a random audit [at paragraph 50 of the Findings Decision].

Standard Imposed on Permit Holder

- [32] Stantec argues that the Findings Decision imposes an impossible standard of perfection, that is neither practical nor economical for projects, on Stantec and on other similarly large engineering firms. In Stantec's view, as a large, national firm undertaking thousands of projects, it reasonably trusted and relied on GH, an engineer with 40 years of experience, to follow the established PPMP and review process that he was trained in.
- [33] Stantec asserts there was nothing it could have done, short of micromanaging GH, to ensure he was complying with his duties. Stantec considers such an approach to be untenable, in reference to the responsibility of an employer to show recognition of professionalism in its employees.
- [34] In response, the IC remarks that the Findings Decision holds Stantec to the standard it has set in its own PPMP. The IC argues that Stantec should not be able to sidestep the consequences of its choice to entirely entrust its permit-holder compliance with one individual. The IC also contends that demonstrating respect for professionals cannot mean that those professionals are untethered from professional requirements such as a permit holder's PPMP compliance.

- [35] The DC accurately noted that a permit affixed to a professional design assures the public that the permit holder's quality control processes have been followed. If the quality control processes in a PPMP are optional, then why have them? The requirements for permit holders are quite clear: as noted by the DC, permit holders must have PPMPs in place and follow the systems and procedures described in the PPMP. Stantec failed to ensure that its own PPMP was adhered to. This is not a standard of perfection. Rather, it reflects the obligation set out in subsection 48(1)(d) of the Regulation.
- [36] If Stantec relies on only one engineer, Responsible Member, or manager to meet a so-called perfect standard, it is expecting an unreasonable level of perfection from its employees. Information about GH's actions that remains unknown is not relevant. Mistakes happen. It is Stantec's obligation to ensure the PPMP is followed. However, Stantec issued drawings in six different instances with errors that only surfaced when they were detected by an external party. The Appeal Board agrees with the IC that Stantec cannot absolve itself simply because GH was an experienced engineer.
- [37] Contrary to imposing a standard of perfection, the requirements of a permit holder are clear and merely reinforced in the Findings Decision. There were no identified concerns with Stantec's PPMP content, but it was not followed. Given Stantec's size and the multitude of projects undertaken, systems and procedures that ensure adherence to the PPMP must be particularly robust in order to ensure an appropriate standard of technical quality and public safety.

Publication

- [38] Stantec argues that publication of the DC's decisions is punitive and unnecessary, in consideration of the following:
- [a] There are no ongoing issues which warrant making the public aware of this case because GH since retired and Stantec was not required to change its PPMP; and
 - [b] Anonymized publication can accomplish educational value for the profession.
- [39] In its Sanctions Decision, the DC reasoned that its decisions must be transparent to maintain public confidence in the profession, and that "[n]aming Stantec reinforces the principle that all regulated members, including its larger entities, are subject to professional obligations and discipline" [at paragraph 40]. The DC found the concerns raised by Stantec were insufficient to overcome the broader public interest in transparency. The DC also noted that a delay of publication pending the resolution of potentially lengthy litigation would undermine APEGA's regulatory processes and the public's confidence in them.

- [40] The Appeal Board agrees with the DC's reasoning. Stantec has not raised any compelling ground to overturn the DC's publication direction. This is a learning opportunity for other permit holders. While the DC did not find that the PPMP was lacking, the issues centered on the context of Stantec's non-compliance with the PPMP. Also, as observed by the IC, GH's name was anonymized in the DC's decisions, as it is in this decision. This reflects that these disciplinary proceedings relate to Stantec's conduct, and not to the conduct of GH.
- [41] Accordingly, the Appeal Board upholds the DC's Sanctions Decision.

CONCLUSION

- [42] For the reasons noted above, the Appeal Board upholds both the Findings and Sanctions Decisions of the DC.
- [43] The Appeal Board has not yet ordered costs with respect to this appeal or directed publication of this decision and reserves the jurisdiction to do so. Accordingly, the Appeal Board directs that the IC provide its submissions on costs and publication by January 5, 2026. Stantec will then have an opportunity to respond to the IC's submissions before the Appeal Board issues its decision regarding costs and publication.

Dated this 8th day of December, 2025

On behalf of the Hearing Panel of the APEGA Appeal Board

Christina Clark
Signed with ConsignO Cloud (2025/12/05)
Verify with verifio.com or Adobe Reader.



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