

## CONSENT ORDER

This order is made by the investigation committee upon the respondent's acceptance of a proposal by the committee under section 73(1) of the *Professional Governance Act*.

Between

**Association of BC Forest Professionals**

("ABCFP")

And

**Stirling ANGUS, RPF #1941**

("ANGUS")

### Background

1. ANGUS has been licensed as a Registered Professional Forester ("RPF") since 1987.
2. In 2012, a licensed realtor (the "Complainant") purchased a parcel of land approximately 5 ha in size (the "Property"). Commercially viable trees were present on the Property. The Property is located within the Resort Municipality of Whistler (RMOW) and abuts the western edge of Highway 99.
3. The Property is within the Development Permit Area for the Protection of Sensitive Ecosystems under the RMOW's *Official Community Plan, Bylaw No. 2199, 2018*.
4. The RMOW *Environmental Protection Bylaw No, 2000, 2012*, section 7.1 prohibits any person from cutting down or damaging a tree located within 20 metres of Highway 99 right of way without tree cutting permit issued by the RMOW.

5. Section 8.1 exempts a person from the requirement of a tree cutting permit if the cutting of the tree is authorized by a development permit issued by the RMOW.
6. In 2015, the Complainant decided to developed the Property in order to construct a residential house, a commercial building and two helicopter landing pads. In addition, road access to the Property was required to be constructed.
7. The Complainant entered into a contract for services with various consultants to assist in developing the Property.
8. On September 26, 2017, the Complainant entered into a contract for services with ANGUS to assist with obtaining the necessary permits to construct a road to access the Property and conduct a timber cruise for the Property.
9. Through 2018 and 2019, ANGUS conducted professional forestry activities related to obtaining the necessary permit requirements for the road access. In addition, ANGUS completed professional forestry services related to establishing a harvest boundary and developing a harvest plan for the Property.
10. Due to COVID-19, work ceased in 2020.
11. On March 9, 2021, ANGUS emailed a proposed scope of services amendment to the Complainant. The amended scope of services included coordinating of road construction and logging contractor, coordination with the Cheakamus Community Forest, Ministry of Forest, First Nation referrals and logging supervision.
12. On May 7, 2021, the Complainant issued a Letter of Agency to ANGUS which appointed the Respondent to, (1) make applications on the Complainant's behalf related to obtaining permits for the road construction, and (2) to make an application for a Private Timber Mark, issued in the Complainant's name for the Property. The term of the agency appointment remained in effect until the Complainant rescinded it in writing. In addition, the Letter of Agency states, "*No other agency on my behalf is granted or implied.*"

13. On June 16, 2021, the required permits to construct the road access were approved.
14. ANGUS organized to have a Certified Utility Arborist (CUA) on site to assist with falling timber adjacent to energized electrical distribution lines located adjacent to Highway 99. ANGUS also notified the owners of the energized electrical distribution lines of the plan to work adjacent to their lines in accordance with the standard operating procedures he had previously followed when working adjacent to their lines.
15. On September 23, 2021, timber harvesting began on the Property. On September 24, 2021, the CUA was on site to assist with harvesting timber adjacent to energized electrical distribution lines located adjacent to Hwy 99.
16. On October 8, 2021, the Complainant received a contravention notice from the RMOW advising them to cease activities on the Property due to a failure to obtain a tree cutting permit as required by *Bylaw No. 2000, 2012* and development permit as required by *Bylaw No. 2199, 2018*.
17. On October 17, 2021, ANGUS provided a letter to the Complainant in response to the RMOW contravention notice to be used by the Complainant in their negotiations with RMOW. ANGUS states that he, nor any of the other consultants working on behalf of the Complainant, were aware of the requirement to obtain a development permit.
18. On May 1, 2023, the ABCFP received a Notice of Complaint (the "Complaint") against ANGUS from the Complainant. The Complainant alleges ANGUS did not obtain the required development or tree cutting permit.
19. On July 28, 2023, the ABCFP notified ANGUS of its acceptance of the Complaint and of the Investigation Committee's authorization of an investigation of the matter. ANGUS was given the opportunity to respond to the allegations against him, and a panel of investigators was assigned to investigate the matter.

20. On August 11, 2023, ANGUS submitted a response to the complaint. In his response, ANGUS reiterates the scope of services he provided, including logging supervision. In addition, ANGUS reiterates that, before the RMOW contravention notice dated October 8, 2021, he was not aware of the requirement to obtain a development permit to cut trees on the property.
21. The investigation found that the Complainant's Letter of Agency was specific and did not provide authority to ANGUS to obtain a development permit or tree cutting permit on behalf of the Complainant.
22. The RMOW Bylaw No. 2000, 2012, section 8.1(h) states, "*tree cutting or removal that is undertaken by a utility, on land owned or held by the utility, and done for the purpose of safety, maintenance or operation of the utility's infrastructure provides an exemption for the requirement of a tree cutting permit*"
23. The investigation found that the cutting of trees on the Property adjacent to the energized electrical distribution lines was not undertaken by the utility owner or on behalf of the utility owner. The investigation finding is consistent with the RMOW bylaw officer determination.
24. The investigation found that ANGUS failed to directly advise the Complainant of the requirement to obtain a tree cutting permit before cutting trees within 20 metres of Highway 99.
25. The investigator's preliminary assessment is that, by failing to advise the Complainant of the requirement to obtain a tree cutting permit and permitting harvesting to occur without first obtaining a tree cutting permit, ANGUS failed to:  
(1) practice in areas where he had sufficient knowledge, skills and ability, (2) have regard for common law and applicable legislation or regulation, (3) was not conscientious in providing professional services.
26. On April 12, 2024, ABCFP provided ANGUS the investigation report with the supporting evidence and invited a response to the report.

27. On May 9, 2024, ANGUS provided a response to the investigation report in which he denies breaching any Bylaw or Code of Ethical and Professional Conduct.
28. The investigation report and ANGUS' response were provided to the Investigation Committee. On May 27, 2024, the Investigation Committee convened to discuss the Complaint, the investigation report and ANGUS's response. The Investigation Committee voted unanimously to attempt to resolve the Complaint by requesting ANGUS agree to a Consent Order under section 73 of the *Professional Governance Act*.

### **Admissions**

29. ANGUS admits, under section 73(3)(b) of the *Professional Governance Act*, that he:
  - (a) Did not maintain sufficient knowledge, skills, and ability in order to address the matter in question, and practiced only in those fields where training and ability made the Respondent professionally competent.
  - (b) Did not have regard for common law and applicable legislation or regulations, including relevant enactments of British Columbia, federal enactments, and enactments of other provinces.
  - (c) Did not have regard for applicable standards, policies, plans, and practices established by the government or ABCFP.
  - (d) Was not conscientious in providing professional services.
  - (e) As a result of these findings, he contravened former ABCFP Bylaw 9 Standards 1(a), 4(c), 4(d), and 8(d).

### **Disposition**

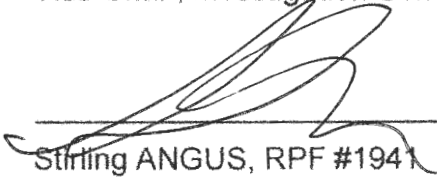
30. ANGUS consents to the Investigation Committee making the following orders:
  - (a) That ANGUS is reprimanded under section 75(6)(a) of the *Professional Governance Act*;

- (b) That ANGUS must complete the ABCFP Code to Ethics and Professional Conduct training;
  - (c) That ANGUS must complete the Eco-Canada Navigating Canadian Environmental Law course or an alternative course acceptable to the Audit and Practice Review Committee, under section 75(6)(f) of the *Professional Governance Act* no later than December 31, 2024;
  - (d) That ANGUS must ensure he is fully informed of the recommendations contained in the British Columbia Develop with Care 2014 – Environmental Guidelines for Urban and Rural Development, or any updated versions, before undertaking additional professional forestry services for land contained within a municipal boundary and implement applicable guidelines; and
  - (e) That ANGUS must pay a fine of \$1,000 to the ABCFP.
31. ANGUS acknowledges that this consent order has the same effect as an order made by a panel of the Discipline Committee of the ABCFP after a hearing under section 75 of the *Professional Governance Act*.
32. ANGUS acknowledges that the ABCFP will be required under ABCFP Bylaw 13-7 to notify the public of this consent order by publishing a discipline digest on the ABCFP's website and in its newsletter that will contain a summary of the circumstances of this case, including the full text or summary of this order.
33. ANGUS acknowledges that he has read this consent order, fully understands its terms, and has voluntarily accepted it for the purpose of fully and finally resolving all matters arising out of or related to the Complaint.
34. ANGUS understands that he has the right to seek independent legal advice and has been encouraged to seek such advice before signing this consent order.

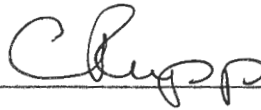
This consent order has been proposed by the Investigation Committee and is accepted by ANGUS effective this 8 day of September 2024.



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Jeff Kerley, RFT, ATE  
Vice Chair, Investigation Committee



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Stirling ANGUS, RPF #1941



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Witness