



Part 1: General Information

Requester's Information

☐ Landlord ☐ Co-op ☒ Tenant ☐ Co-op Member ☐ Other Party

First Name

L . D .

Last Name

B l a k e

Mailing Address

1 6 5 O n t a r i o S t .

Unit/Apt./Suite

6 0 9

Municipality (City, Town, etc.)

S t . C a t h a r i n e s

Prov.

o n

Postal Code

L 2 R 5 K 4

Day Phone Number

(9 0 5) 3 9 7 - 6 8 4 0

Evening Phone Number

() -

Fax Number

() -

Unit, Building or Complex Covered by the Request

Street Number

1 6 5

Street Name

O n t a r i o

Street Type (e.g. Street, Avenue, Road)

S t r e e t

Direction (e.g. East)

Unit/Apt./Suite

Municipality (City, Town, etc.)

S t . C a t h a r i n e s

Prov.

Postal Code

L 2 R 5 K 4

Other Parties to the Request

☐ Landlord ☐ Co-op ☒ Tenant ☐ Co-op Member ☐ Other Party

First Name

R e s p o n d e n t s f r o m L 5 A p p l i c a t i o n

Last Name

Mailing Address

Unit/Apt./Suite

Municipality (City, Town, etc.)

Prov.

Postal Code

Day Phone Number

() -

Evening Phone Number

() -

Fax Number

() -

If there is more than one other party, provide the names, addresses and telephone numbers of the additional other parties on the *Schedule of Parties* form which is available from the Board's website at sjto.ca/LTB.

Part 2: Reasons for Your Request

I am requesting that the Board review the order

S	O	L	-	4	0	2	9	7	-	1	3
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issued on

1	4	/	1	2	/	2	0	1	7
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dd/mm/yyyy

, because it contains a serious error.

Shade the box(es) completely next to your reason for applying.

- ☒ I believe the order contains a serious error,
- ☒ I was not reasonably able to participate in the proceeding

In the space provided **below**, describe why you are requesting a review of the order.

If you are requesting a review because you believe the order contains a serious error, describe why you believe that the order contains a serious error. For example:

- Did the Board apply the *Residential Tenancies Act, 2006* in a situation where it did not apply?
- Did the order include a remedy that is not appropriate in the circumstances?
- Was a decision in the order affected by information that was misleading or incorrect?
- Did the order fail to comply with the rules of natural justice?

If you are requesting a review because you were not reasonably able to participate in the proceeding, describe why you were not reasonably able to participate. For example:

- Did you not receive the Notice of Hearing?
- Was the Notice of Hearing served incorrectly, for example to the wrong address or to the wrong person?
- Were you physically unable to attend?

Explain in detail why you believe the order contains a serious error or why you were not reasonably able to participate in the proceeding. As well, indicate how you think the order should be changed if your request for review is successful.

If you do not convince the Board that there may be a serious error in the order, or that you were not reasonable able to participate in the proceeding, your Request to Review an Order may be dismissed without further consideration.

See attached statement, on my letterhead.

Shade the appropriate circle to indicate whether you are asking the Board to stay (put on hold) the order or to lift (remove) a stay.

- ☒ **I am requesting that the Board stay the order I want reviewed.**
An order that is stayed **cannot** be enforced.

Explain why the Board should stay the order you want reviewed.

The order in question (SOL-40297-13-RV2) threatens tenant rights and may result in overpayments of rent.

Attach additional sheets if necessary

- ☐ **I am requesting that the Board lift the stay imposed by the Divisional Court on the order I want reviewed.**
An order that is appealed to the Divisional Court is automatically stayed and the Board cannot consider your Request to Review an Order **unless** it first decides to lift the stay.

Explain why the Board should lift the stay resulting from the appeal to Divisional Court.

Attach additional sheets if necessary

OFFICE USE ONLY:	File Number	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>													
Delivery Method:	<input type="radio"/> In Person	<input type="radio"/> Mail	<input type="radio"/> Courier	<input type="radio"/> Email	<input type="radio"/> Efile	<input type="radio"/> Fax	FL	<table><tr><td></td><td></td></tr></table>							

Part 3: Signature

0	2	/	0	1	/	2	0	1	8
dd/mm/yyyy									

Who has signed the request? Shade the circle completely next to your answer.

☒ Requester ☐ Representative ☐ Other

Information About the Representative

[illegible][illegible]

LSUC #

[illegible]

Unit/Apt./Suite						

[illegible]

Prov.	

Postal Code

Day Phone Number												
()				-				

Evening Phone Number											
()				-			

Fax Number											
()			-				

[illegible]

Collecting Personal Information

Under section 185 of the *Residential Tenancies Act, 2006*, the Landlord and Tenant Board has the right to collect the personal information requested on this form. We use the information to resolve your request. After you file the form, your information may also be available to the public. If you have questions about how the Board uses your personal information, contact one of our Customer Service Officers at **416-645-8080** or **1-888-332-3234 (toll free)**.

Important Information from the Landlord and Tenant Board

1. If a hearing is scheduled for your request, you can ask the Board to provide French-language services. If you are the requester, you can fill out the *Request for Accommodation or French-Language Services* form included at the end of this form. If you are one of the other parties, the *Request for Accommodation or French-Language Services* form is available at Board offices and at the Board's website at sjto.ca/LTB.
2. If a hearing is scheduled for your request, you can ask the Board to make special arrangements (called a Request for Accommodation) under the Ontario *Human Rights Code* to help you participate in the hearing. For example, you can ask the Board to make arrangements to provide a sign-language interpreter. You can make a request for accommodation under the *Code* in person, by telephone, or mail. If you are the requester, you can fill out the *Request for Accommodation or French-Language Services* form included at the end of this form. If you are one of the other parties, the *Request for Accommodation or French-Language Services* form is available at Board offices and at the Board's website at sjto.ca/LTB.
3. It is an offence under the *Residential Tenancies Act, 2006* to file false or misleading information with the Landlord and Tenant Board.
4. The Board has *Rules of Practice* that set out rules related to the review process and *Interpretation Guidelines* that explain how the Board might decide specific issues that could come up in the review process. You can read the *Rules and Guidelines* on the Board's website at sjto.ca/LTB or you can buy a copy from a Board office.



Shade the appropriate boxes to indicate whether you need accommodation under the Ontario *Human Rights Code*, or French-language services, or both. We will not include a copy of this form when we give the other parties a copy of the *Request to Review an Order*. However, we will include the information in your application file. The file may be viewed by other parties to the application.

☐ **Accommodation Under the Ontario *Human Rights Code***

The Board will provide accommodation for *Code* related needs to help you throughout the application and hearing process in accordance with the Social Justice Tribunals Ontario policy on accessibility and accommodation. For example, you may need a sign-language interpreter at your hearing. We may contact you about your request. You can obtain a copy of the policy at [SJTO.ca](https://www.sjto.ca).

Please explain: What accommodation do you need?

☐ **French-Language Services**

The Landlord and Tenant Board will assign a bilingual adjudicator to be in charge of the hearing. We will also arrange for a French-English interpreter to attend the hearing.



Payment Method

Select how you are paying the fee:

☐ Cash ☒ Debit Card ☐ Money Order ☐ Certified Cheque

Money orders and certified cheques must be made payable to the "Minister of Finance"

Credit Card: ☐ Visa ☐ MasterCard

Credit Card Number:	Expiry Date (mm/yy):
Cardholder's Name:	
Cardholder's Signature:	

Important: The information you fill in is confidential. It will be used to process your request, but will not be placed on the application file.



File Number

S O L - 4 0 2 9 7 - 1 3

Requesting Party's Information

☐ Landlord☒ Tenant☐ Other Party

First Name

L . D .

Last Name

B l a k e

Mailing Address

1 6 5 O n t a r i o S t .

Unit/Apt./Suite

6 0 9

Municipality (City, Town, etc.)

S t . C a t h a r i n e s

Prov.

o n

Postal Code

L 2 R 5 K 4

Day Phone Number

(9 0 5) 3 9 7 - 6 8 4 0

Evening Phone Number

() -

Fax Number

() -

Unit, Building or Complex Covered by the Application

Street Number

1 6 5

Street Name

O n t a r i o

Street Type (e.g. Street, Avenue, Road)

S t r e e t

Direction (e.g. East)

Unit/Apt./Suite

Municipality (City, Town, etc.)

S t . C a t h a r i n e s

Prov.

Postal Code

L 2 R 5 K 4

I am requesting that the Board shorten:

- ☒ the time for serving a Notice of Hearing and schedule an early hearing for my application.
- ☐ the deadline to file an Application for a Rent Increase above the Guideline.

I am requesting that the Board extend the deadline to:

- ☐ file a Request to Review an Order.
- ☐ file a Request to Re-open an Application resolved by mediation.
- ☐ file a Motion to Set Aside an Ex Parte Order.
- ☐ file an Application for a Review of a Provincial Work Order.
- ☐ file an Application to determine if the landlord's grounds for refusing the assignment of a mobile home park site were reasonable.
- ☐ other: _____

Under section 185 of the *Residential Tenancies Act, 2006*, the Landlord and Tenant Board has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the Board uses your personal information, contact one of our Customer Service Officers at **416-645-8080** or **1-888-332-3234 (toll free)**.

OFFICE USE ONLY

File Number

This is an AGI and while the amount of rent increase is in dispute tenants are accumulating overpayments and arrears in rent with each passing month. For some this can cause financial difficulties.

Note: If the Board refuses your request to extend or shorten time, you may not make any further requests regarding the same time requirement.

Attach additional sheets if necessary

Signature

☐ Landlord ☐ Landlord Representative ☒ Tenant ☐ Tenant Representative ☐ Other

First Name

[illegible]

Last Name

[illegible]

LSUC #

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Phone Number

(9	0	5)	3	9	7	-	6	8	4	0
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Signature

Date (dd/mm/yyyy)

January 2, 2018

For Board Use Only:

The request to extend/shorten time is:

☐ **Granted**☐ Denied

Reasons:

Name of Member: _____ Signature: _____ Date: _____

Request to Review SOL-40297-13-RV2

January 2, 2018

I am a named respondent in SOL-40297-13, representing the tenant's interest through agency authorization on file since September 17, 2015.

This is a request to review order SOL-40297-13-RV2 issued by Vice Chair Elizabeth Usprich, of the Landlord and Tenant Board, on December 14, 2017.

1. The tenants allege that the hearing of June 22, 2017 and the subsequent order SOL-40297-13-RV2 were orchestrated events set up solely to reinstate item 3 from the L5 application in this file.
2. We request that the current order be stayed during resolution of this request to prevent further over or underpayments in rent and to protect the rights of the respondent tenants.

We bring this request under part 21 of the Statutory Powers and Procedures Act ("SPPA", R.S.O. 1990, C. S22) part 209 of the Residential Tenancies Act ("RTA", S. O. 2006, C. 17) the Landlord and Tenant Board's Rules Of Practice, rule 29 and the LTB's Guideline 8.

Issues

1. Along with the first hearing on September 18, 2014 adjudicated by Vice Chair Jonelle Van Delft, the June 22, 2017 hearing adjudicated by Vice Chair Elizabeth Usprich is the second hearing in this chain called at the behest of the landlord-applicant. Like its predecessor, this hearing has featured peculiar behaviour by the Vice Chair, who has treated tenants with disregard, ignored or disallowed evidence and has awarded the landlord with high value capital expense claims to which he may not be entitled.

The tenant respondents and I do not believe this is a coincidence. Both hearings present the appearance of being orchestrated specifically to block tenant testimony and give the landlord exactly what he's after.

2. In paragraph 10 of her order, Vice Chair Usprich correctly states that before an order can be altered or cancelled there must be a finding that the order includes a serious error. However, her order does not explicitly state that Member Guzina's order contains errors. Without citing an error, the Vice Chair lacked reasonable grounds for altering the Member's order.
3. In SOL-40297-13-RV2-IN2, paragraph 15, the Vice Chair ordered that the landlord's and tenant's representatives were to make submissions about how Member Guzina's decisions in SOL-40297-13-RV were or were not within the range of reason. As the tenant's representative, I prepared a presentation showing how his order was reasonable but I was never given the opportunity to present my argument. This defies the most basic principle of natural justice, *audi alteram partem*, the right to be heard.
4. As noted in the Vice Chair's order SOL-40297-13-RV2, paragraphs 4 and 5, at the beginning of the hearing the landlord's representative and I held an in camera discussion in which we agreed to stay within the review process but to allow some latitude to introduce clarifying information only. No new topics of evidence were to be introduced. Within that context, I agreed to hear testimony from Witness Michael Doiron.

5. Witness Doiron testified at length about the condition of the building before the balconies were replaced and spoke about the need to apply a waterproof coating. None of his testimony was in any way related to the reasonableness of Member Guzina's order. He and the landlord's representative were re-litigating item 3 of the L5 application before there was any decision to do so.
6. The tenants had no opportunity to lead testimony and evidence in counter to that of Witness Doiron, which again flies in the face of natural justice.
7. The tenants raised a verbal motion of bias during the hearing and we stand by it. But the motion was not as depicted in paragraph 12 of the Vice Chair's order.

We did not allege bias because the Vice Chair was rude, deprecating, long winded, of questionable sanity or repeatedly alleging we were merely making bald assertions. In that case, I would remind Vice Chair Usprich that I am not 6 years old and, thankfully, she is not my mother. We actually made the motion of bias because, by that time, it had become obvious the hearing was being deliberately manipulated to reinstate item 3 of the L5 application without allowing the tenants to offer testimony in counter or even complete our prepared presentation per the Vice Chair's own instructions.

This motion can be heard starting at the 03:47:00 minute mark of the audio transcript and in that passage you will hear me say that it was becoming rather obvious the hearing was being manipulated to give the landlord "another kick at the can" and, in the end, that is exactly what Vice Chair Usprich did.

8. Both the landlord and the Vice Chair suggested that if the plan was to alter Member Guzina's order it was not necessary to go through all the extra steps of holding a hearing as the member could simply have written an order varying the previous order. That is not exactly true. Previous testimony from the de novo hearing did not fully support the claim that balcony work was necessary. In order to overturn Member Guzina's order it was necessary to get Witness Doiron's testimony on the record so that it could be used as the Vice Chair's authority when reinstating item 3 of the L5 application.
9. For her decisions, starting at paragraph 34, Vice Chair Usprich relied exclusively upon testimony from Witness Doiron, a partner in Enerplan Building Consultants, who claimed to be in charge of the contracts for item 3 of the L5 application. Her paragraph 24 says:

M.L.D. testified that he was directly involved with the residential complex in question. The role of M..L.D and Enerplan was to first inspect the residential complex and then make recommendations to the Landlord and then oversee the work from commencement to completion.

- 10 Examining the L5 application reveals the landlord did not hire Enerplan Building Consultants to inspect the residential complex, make recommendations or oversee the work from commencement to completion. Pages 46 to 49 of the L5 disclosure section detail that, in fact, the landlord hired Grgas Associates for this purpose on July 9, 2012.

Written on Grgas letterhead, page 47 details the job requirements saying:

Thank you for your invitation to submit a fee proposal to provide engineering services related to the repair and renovation of the exterior building envelope at the above captioned properly. We understand that the scope of work will include the following:

- *Replace existing balcony guards with new glass/metal guards*
- *Repair deteriorated brick and mortar as required*
- *Recoat the brick, concrete shear walls and concrete slab edges*
- *Balcony concrete slab edge repairs where required*

Page 46 details their first billing for the contract. Pages 48 and 49 detail their scope of service including a site review, tendering, reporting and contract administration, all of which was falsely attributed to Enerplan and Witness Doiron.

- 11 The L5 Application, page 78, shows us Enerplan's first billing for unspecified "Project Management Fees", nearly 5 months later, on November 13, 2012. It is thus very doubtful Enerplan was involved in any of the assessment, planning or recommendations for this project.
- 12 Given #10 and #11, above and given that in cross examination, Witness Doiron was unable or unwilling to give dates when he was on-site, claimed to have made no notes, could not identify parts of the building in photographs, could not identify the project manager and incorrectly described various features of the building, the tenants submit Witness Doiron had no direct knowledge of the building worksite and thus cannot be deemed credible.
- 13 Given that Witness Doiron's testimony is highly suspect, the Vice Chair committed a serious error in relying on his testimony when reinstating item 3 from the L5 application..
- 14 Given all the above the tenants do not accept the outcome of this hearing and order.

Summary

It is apparent to the respondents that the outcome of the June 22, 2017 hearing was decided before the hearing took place, probably in collusion with the landlord and his witness. The hearing was staged in order to get Witness Doiron's testimony on the record and then use it to inappropriately reinstate item 3 of the L5 application.

The order SOL-40297-13-RV2 of December 14, 2017 contained numerous errors and reached conclusions that could only stand by preventing and/or ignoring all tenant submissions.

If this is not collusion then it is gross incompetence on the part of the Vice Chair. In either event, it poses a serious threat to the rights of all tenants in Ontario.

The tenants find no serious errors in Member Guzina's order SOL-40297-13-RV of January 22, 2016 and are happy to accept it as final.

The tenants, thus, request administrative cancellation of the Vice Chair's order SOL-40297-13-RV2 and the reinstatement of SOL-40297-13-RV.



LD Blake, Tenant Representative

Grgas**Grgas Associates Limited**

JUL 30 2012 46

STRUCTURAL RESTORATION
BUILDING SCIENCE
PROJECT MANAGEMENT
DUE DILIGENCE INSPECTIONS
ROOFING AND THERMOGRAPHY
BUILDING CONDITION ASSESSMENTS**INVOICE #0903906.01**
(P.O.#301830)**TO:** STARLIGHT APARTMENTS LTD.
P.O. BOX 1890 STATION B
MISSISSAUGA, ON L4Y 3W6**ATTN:** ACCOUNTS PAYABLE**DATE:** JULY 25, 2012**PROJECT:** 185 ONTARIO STREET - ST. CATHARINES, ONTARIO
2012 EXTERIOR CLADDING REPAIRS
GRGAS PROJECT #09039.06**DESCRIPTION:** ENGINEERING SERVICES RELATED TO EXTERIOR CLADDING REPAIRS AS AUTHORIZED BY MR.
DEAN PANDUROV**FEES FOR SERVICES: (ALL SHOWN IN CANADIAN FUNDS)**

TOTAL FEE: \$5,000.00 PLUS 3% OF CONSTRUCTION

CHANGES: NIL

REVISED TOTAL FEES: \$5,000.00 PLUS 3%

FEES FOR THE PERIOD ENDING JULY 25, 2012

LESS PREVIOUS:

SUBTOTAL OUTSTANDING FEES:

HST ON FEES (13%)

\$5,000.00

(\$0.00)

\$5,000.00

\$650.00

ADDITIONAL DISBURSEMENTS: (INCLUDED IN FEES)

TEST EXCAVATIONS

LABORATORY TESTING

VALUE ADDED TAXES

\$0.00

\$0.00

\$0.00

INVOICE TOTAL (REG. No.: RT82592 5050)

\$5,650.00

IF YOU HAVE ANY QUESTION REGARDING THIS INVOICE, PLEASE CONTACT NICK GRGAS @ (416) 230-7065

TERMS: FULL AMOUNT DUE WITHIN 30-DAYS

INTEREST OF 1% PER MONTH COMPOUNDED MONTHLY PAYABLE ON AMOUNTS NOT PAID WITHIN 30 DAYS

30 Via Renzo Drive, Suite 200, Richmond Hill, Ontario, Canada L4S 0B8
Tel: (905) 787-2044 • Fax: (905) 787-2001 • www.grgas.ca



Grgas Associates Limited

STRUCTURAL RESTORATION
BUILDING SCIENCE
PROJECT MANAGEMENT
DUE DILIGENCE INSPECTIONS
ROOFING AND THERMOGRAPHY
BUILDING CONDITION ASSESSMENTS

Via email

July 9, 2012

GRGAS Project #09039.06

Starlight Investment Management
401 The West Mall, Suite 1100
Toronto, ON M9C 5J5

Attention: Mr. Ken Shelley
Project Manager

**Re: 165 Ontario Street – St. Catharines, Ontario
Proposal to Provide Engineering Services for
Building Envelope Renovations**

Dear Mr. Shelley,

Thank you for your invitation to submit a fee proposal to provide engineering services related to the repair and renovation of the exterior building envelope at the above-captioned property. We understand that the scope of work will include the following:

- Replace existing balcony guards with new glass/metal guards
- Repair deteriorated brick and mortar as required
- Recoat the brick, concrete shear walls and concrete slab edges
- Balcony concrete slab edge repairs where required

The budget for the above work has yet to be established.

The design and tender documents will be completed this calendar year. The work will be tendered in 2012.

1.0 SCOPE OF SERVICES

Grgas Associates Limited (**GRGAS**) and/or its sub-consultants will perform the following services in relation to the items listed above:

1. Scope of Work and Tender Documents

- a. Review of site to become familiar with site conditions
- b. Preparation of tender documents adequately describing the work.
- c. Drawings will not be prepared for this project

2. Tendering, Tender Review and Recommendation of Award

- a. Prepare instructions to bidders and pre-qualify potential contractors for bidder's list.
- b. Tender the work to qualified contractors.
- c. Conduct site walk-through meeting with approved bidders to briefly describe work and to familiarize bidders with site.
- d. Answer any questions that may arise during the bidding period.
- e. Issue addenda as required, if required, during the tender period.
- f. Review tenders received and clarify any questions or concerns that we may have with the submitted bids.
- g. Check references of lowest bidders, if required.
- h. Recommend to the Owner which bidder, if any, should be awarded the Contract.

3. Construction Review and Contract Administration

- a. Prepare and administer the construction contract(s) which is assumed to be the CCDC2-2008.
- b. Attend a pre-construction meeting with Owner and successful Contractor(s).
- c. Advise the Owner as to the engagement of independent testing firms to test material quality, where required (the Owner will retain these services directly and they are not included in our fees).
- d. Site visits to periodically review contractor's work for general conformance with the contract documents
 - i. Site review reports will be submitted for each site visit
- e. Periodic progress construction meeting as required
- f. Review of reports by independent inspection and testing firms regarding construction.
- g. Review Contractor's monthly invoices and issue monthly Certificates of Payment for work satisfactorily completed.
- h. Issue Contemplated Change Notices, Site Memorandums, as required, to change or clarify the scope of the Contractor's work.
- i. Prepare Change Orders affecting the work.
 - i. Change Orders will not be issued until the Owner signs them.
- j. Issue Certificate of Substantial Performance, when **GRGAS** and the Owner are satisfied that the Contract has been satisfactorily performed.

2.0 SCHEDULE OF FEES

For the scope of services outlined above in this proposal, we propose a lump sum fee of \$5,000.00 for items 1.1 and 1.2 combined. For item 1.3 our fee will be equivalent to 3% of the final construction contract value (both values exclusive of HST). Fees include normal disbursements but exclude the HST. We have assumed normal working hours when preparing our fee proposal.

3.0 CLOSING REMARKS

If you find this proposal acceptable, please provide a purchase order number. If you have any questions or concerns, please call me.

Yours very truly,
GRGAS ASSOCIATES LIMITED



Nikola (Nick) A. Grgas, P.Eng.
President

ENERPLAN
BUILDING CONSULTANTS

Email: info@enerplan.net Web Site: http://www.enerplan.net
69 JUDSON STREET, ETOBICOKE, ONTARIO M9Z 1A4 FAX 416.252.7523

TORONTO 416.252.7259
HAMILTON 905.318.5988
KITCHENER 519.744.5399

November 13, 2012

Starlight Apartments LTD.
P.O. Box 1890, Station B
Mississauga, ON.
L4Y3W6

Attention: Accounts Payable

Property Code:	01650NTA
Ownership:	STARLIGHT PRIVATE
Date:	11/19/12
Approved By:	[Signature]
Approved By:	[Signature]
PO Received By:	T. SAVIC
GL Code:	55701-999
Amount Total	\$ 1,047.76

NOV 19 2012

Invoice No.
2012-485

Description
Project Management for 165
Ontario Street Project
P.O. #302814

Project Management Fees (3% of \$30,907.38)	\$927.22
Less Previously Invoiced	\$0.00
Sub-Total	\$927.22
13% HST	\$120.54
TOTAL DUE	1,047.76

Terms: Due Upon Receipt

PLEASE RETURN COPY OF THIS INVOICE OR RECORD INVOICE NO. ON CHEQUE

GST Registration No. 105112726

RECEIVED NOV 30 2012

division of Synergis Incorporated

DESIGN

ENGINEERING

BUILDING SCIENCE

PROJECT MANAGEMENT