

IN THE MATTER OF a Hearing of the Discipline Committee of the Association of
Ontario Land Surveyors held in accordance with the *Surveyors Act*, R.S.O. 1990.
Chapter S. 29, as revised (“the Act”)

BETWEEN:

ASSOCIATION OF ONTARIO LAND SURVEYORS

(“The AOLS” or
“The Association”)

-and-

JOHN E. JACKSON

DECISION OF THE DISCIPLINE COMMITTEE PANEL

THE HEARING

1. The hearing of this matter was scheduled to proceed on March 11, 2026, at 10:00am.

On the morning of the hearing, Mr. Jackson requested an adjournment of approximately one month for medical reasons. We granted his request and adjourned the hearing until April 15, 2026.

2. The hearing proceeded, as scheduled, on April 15, 2026, commencing at 10:00am. It was conducted by videoconference, at Mr. Jackson's request, to accommodate his personal circumstances.
3. The Discipline Committee Panel consists of Peter Lamb (Chair), Michèle Pearson, Tom Kristjanson, Vladimir Dosen, and James T. Hunt.
4. The AOLS was represented by its counsel, Yuliya Mykhaylychenko. The AOLS' Registrar, Linda Latham, was also present at the hearing.
5. Mr. Jackson attended and participated in the hearing without counsel.
6. The Panel was advised by its Independent Legal Counsel, Ben Millard, and the nature of Mr. Millard's advice was made known to the parties during the hearing.

THE ALLEGATIONS

7. Mr. Jackson is a retired, former member of the Association, whose licence and certificate of authorization ceased on December 31, 2024.
8. The Association's allegations against Mr. Jackson, in his personal capacity and as representative for the firm, John E. Jackson Surveying Ltd., ("Mr. Jackson"), are set out in its Summary of Allegations, which was marked as Exhibit 3. There are three separate allegations which can be summarised as follows:

I. The Client Complaint:

- a) It is alleged that on or about July 9, 2024, the AOLS received an official complaint from a client who had retained Mr. Jackson in or around 2019 to provide a survey. The client alleged that Mr. Jackson did not provide a usable product in a timely manner. He also alleged that Mr. Jackson did not respond to the client or to the Office of the Surveyor General with amendments to address comments made by the Office of the Surveyor General following review of the draft plan.

II. The Survey Review Department Complaint:

- a) It is alleged that, throughout 2024, Mr. Jackson repeatedly failed to comply with requests of him made by the Association's Survey Review Department, including that Jackson provide materials for his firm's projects within the time specified in the request.

III. Mr. Jackson's Voluntary Undertaking:

- a) It is alleged that on or about December 10, 2024, Mr. Jackson entered into a Voluntary Undertaking with respect to the Client Complaint and the Survey Review Department Complaint described above. By virtue of this Voluntary Undertaking, Mr. Jackson:

- 1. undertook to submit the required amendments to the client's

survey to the Ontario Surveyor General's Office by December 31, 2024;

2. undertook to cease all work on all outstanding survey jobs by December 31, 2024, and to transfer all active survey files to another certificate of authorization holder by December 31, 2024; and

3. agreed to the cancellation of his licence and certificate of authorization on December 31, 2024, and that he would not apply for re-licensure at any time thereafter.

b) It is alleged that by December 31, 2024, Mr. Jackson had not submitted the required amendments to the client's survey to the Ontario Surveyor General's Office. It is further alleged that Mr. Jackson continued to submit plans to the Ontario Surveyor General's Office after December 31, 2024.

9. The Association maintains that Mr. Jackson's alleged actions and inactions, as set out above, amount to professional misconduct, as defined in the *Surveyors Act*, RSO 1990, c. S.29 ("the Act") and its Regulations. In particular:

a) The Association alleges that Mr. Jackson failed to comply with the Code of Ethics in that he failed to meet the project time frame for the client's survey, and failed to respond to his client's queries in a timely manner, all of which is contrary to Section 33(2)(a), (f) and (g) of Regulation 1026, R.R.O. 1990 ("Regulation 1026"). The Association maintains that failure to comply with the Code of Ethics constitutes professional misconduct within the meaning of Section 35(1) and (3) of Regulation 1026, and that Mr. Jackson's conduct also breached section 35(18) of Regulation 1026.

b) The Association alleges that Mr. Jackson failed to comply with the Standards of Practice of the AOLS in that he failed to comply with a written request from Survey Review Department within the time specified in the request, and failed to supply the information and copies of material requested, all of which is contrary to Section 34(2)(g) of Regulation 1026. The Association maintains that failure to

comply with the Standards of Practice constitutes professional misconduct within the meaning of Section 35(3) of Regulation 1026.

c) The Association alleges that Mr. Jackson failed to comply with his Voluntary Undertaking, which is contrary to Section 35(21) of Regulation 1026, and would be reasonably regarded by members of the AOLS as dishonourable and unprofessional.

10. The Association's position is that all of the alleged misconduct occurred at a time when Mr. Jackson was a licenced member of the AOLS. As such, the Discipline Committee has jurisdiction to hear and decide the professional misconduct allegations in accordance with its authority under s. 5(3) of the Act.

11. Mr. Jackson denied that he engaged in professional misconduct with respect to the above allegations.

THE PARTIES' EVIDENCE

I. The Client Complaint

The Association's Evidence

12. The Association called Scott Hepburn as a witness, whose testimony can be summarized as follows:

- a) In or around October 2019, Mr. Hepburn reached an agreement with the Ministry of Natural Resources and Forestry – Parry Sound District (“MNRF”) to purchase a road allowance near his property in Ridout Township for \$1,837.18 plus HST. Mr. Hepburn was responsible for hiring an Ontario Land Surveyor to prepare a survey of the property at his own expense. The Agreement was summarized in a letter from the MNRF to Mr. Hepburn, dated October 8, 2019, which indicated that the Agreement was valid until October 8, 2020. (Exhibit 8, p.6)
- b) Soon afterwards, Mr. Hepburn hired Mr. Jackson to complete the survey. Over the next few months, Mr. Jackson completed the survey and, on February 18, 2020, he submitted it to the MNRF for review by the Office of the Surveyor General (“OSG”). (Exhibit 8, p. 7)
- c) Mr. Hepburn did not hear anything further from Mr. Jackson or MNRF for many months. He followed up several times with the MNRF and was told that the survey remained with the OSG. On November 4, 2022, he was advised by the MNRF that the OSG had requested amendments to the survey and to follow up with Mr. Jackson regarding its status. (Exhibit 8, p. 16)

- d) Mr. Hepburn tried calling Mr. Jackson repeatedly to request an update, but he could not reach him. Mr. Hepburn also tried attending Mr. Jackson's office, but the office was closed. Mr. Hepburn believes he also sent emails to Mr. Jackson at that time, but he did not receive any response.
- e) On June 28, 2023, Mr. Hepburn wrote again to the MNRF and explained that he had tried repeatedly to contact Mr. Jackson, without success. The MNRF responded that the OSG had reviewed the survey and requested amendments from Mr. Jackson. The OSG was still waiting for Mr. Jackson to complete those amendments. The MNRF directed Mr. Hepburn to follow up with Mr. Jackson about the status of the amendments. (Exhibit 8, p. 16-17)
- f) Mr. Hepburn had further correspondence with the MNRF and was told repeatedly that they were waiting on Mr. Jackson's amendments and that the survey could not be approved until Mr. Jackson completed the amendments.
- g) In or around November 2023, Mr. Hepburn was finally able to reach Mr. Jackson by phone and email. Mr. Jackson advised that the amendments were "on his desk" and that he would complete them

in the coming weeks. However, he did not complete the amendments at that time. (Exhibit 8, p. 33-34)

- h) On June 26, 2024, the MNRF wrote to Mr. Hepburn to advise that the OSG had still not received the amendments from Mr. Jackson. The OSG advised that it had sent its comments and requests to Mr. Jackson on September 30, 2020, and that they were re-sent to him on May 26, 2021, and December 8, 2022. However, Mr. Jackson had not submitted the amendments to the OSG. (Exhibit 8, p. 29-30)
- i) Mr. Hepburn then submitted a formal complaint about Mr. Jackson to the AOLS that gave rise to this Discipline Committee proceeding. (Exhibit 8)
- j) Mr. Hepburn testified that the purchase of the road allowance was finally completed, effective February 6, 2026, more than six years after the original Agreement. By that time, the purchase price had increased to \$2,211.08 plus HST. (Exhibit 9)

Mr. Jackson's Evidence

13. Mr. Jackson cross-examined Mr. Hepburn and elicited the following evidence:

- a) Mr. Hepburn acknowledged that Mr. Jackson sent the final Survey Plan to be deposited with the MNRF (with a copy to Mr. Hepburn) in the spring of 2025.
- b) Mr. Hepburn had previously hired Mr. Jackson to prepare an unrelated survey in 2002-2003.
- c) Mr. Hepburn and Mr. Jackson did not sign a written contract regarding the 2019 survey work. They verbally agreed that Mr. Jackson would complete the work.
- d) Mr. Jackson did not ever charge a fee to Mr. Hepburn for any of the work done on the survey from 2019 onwards.

14. Mr. Jackson did not call any witnesses or submit any documents relating to Mr. Hepburn's complaint.

II. The Survey Review Department Complaint

The Association's Evidence

15. The Association called Paul Wyman, OLS, as a witness, whose testimony can be summarized as follows:

- a) At the time in question, Mr. Wyman was the Manager of the Survey Review Department ("SRD") at the AOLS. In that role, he supervised

the Association's investigation and survey review program as mandated under the Act.

- b) The purpose of a survey review is to audit an OLS' work in order to assess compliance with the requirements of the applicable Regulations and best practices. In order to complete its mandate, the SRD requires members to provide the requested documentation and information related to cadastral surveys so that the SRD can complete its review in a timely manner.
- c) In mid-2024, Mr. Jackson's firm was selected for a routine, 5-year review by the SRD. On May 28, 2024, the SRD's Administrative Coordinator, Sheila Lavina, wrote to Mr. Jackson to request that he submit specific documents and information to the SRD for review. The documents were due by June 18, 2024. Ms. Lavina then sent reminders to Mr. Jackson on June 3rd and June 17th, 2024. However, Mr. Jackson did not respond or submit any of the requested materials to the SRD by June 18, 2024. (Exhibit 10)
- d) On June 24, 2024, Mr. Jackson wrote to Ms. Lavina and advised of a health issue that caused him to miss the deadline. He advised that he could have the materials submitted to the SRD by July 3, 2024. The SRD extended the deadline to July 3rd. However, Mr. Jackson did

not submit any of the requested documents by the extended deadline. (Exhibits 11-12)

e) On July 8, 2024, Mr. Jackson wrote to Mr. Wyman and advised of further health issues he was facing. He advised that he could gather and submit the requested materials to the SRD by July 15, 2024. Mr. Wyman agreed to an extension until July 15th. However, Mr. Jackson did not submit any of the requested documents by that deadline. (Exhibit 12)

f) On July 17, 2024, Mr. Wyman wrote to Mr. Jackson and advised that if the requested materials were not submitted to the SRD by July 23, 2024, Mr. Wyman would refer the matter to the Association's Registrar for review and possible referral to the Complaints Committee. Mr. Jackson did not submit any of the requested documents to the SRD by the extended deadline of July 23, 2024. (Exhibit 13)

g) On July 24, 2024, Mr. Wyman wrote to the AOLS' then-Registrar, Bill Buck, OLS, with a summary of the above correspondence with Mr. Jackson, and he requested that the Registrar review the matter and take any appropriate action. (Exhibit 14)

- h) On August 30, 2024, Mr. Jackson wrote to Mr. Wyman and described further health issues that he had experienced. He advised that he was getting caught up on his work and he asked if the SRD still required the outstanding documents and information. On September 4, 2024, Mr. Wyman responded that there was a statutory requirement for Mr. Jackson to comply with the SRD's review and to submit all requested documents. He confirmed that Mr. Jackson needed to submit the documentation right away. However, Mr. Jackson never submitted the requested documents and information to the SRD at any time. (Exhibit 15)

Mr. Jackson's Evidence

16. Mr. Jackson cross-examined Mr. Wyman and elicited the following evidence:

- a) Mr. Wyman acknowledged that one of the purposes of an SRD review is to educate members and firms about the applicable legal requirements and best practices. He agreed that the review process is intended to have educational value for survey firms.
- b) Mr. Jackson suggested that in prior SRD reviews, before Mr. Wyman was the SRD Manager, the reviews took longer to complete. Mr. Wyman stated that he could not speculate about what may have happened in the past. He noted that in his three years as the SRD

Manager, his target was to complete the reviews within 3 months after receipt of the member's materials, and that this target was generally met during his tenure.

17. Mr. Jackson did not call any witnesses or submit any documents relating to the Survey Review Department complaint.

III. Mr. Jackson's Voluntary Undertaking

The Association's Evidence

18. The Association filed Mr. Jackson's signed, Voluntary Undertaking, dated December 10, 2024, as Exhibit 6, on consent, in which he agreed that:

- a) he would submit the required amendments to the Scott Hepburn survey to the Ontario Surveyor General's office by December 31, 2024;
- b) he would cease all work on all outstanding survey jobs by December 31, 2024, and transfer all active survey files to another CofA by Dec. 31, 2024; and
- c) his licence and CofA would be cancelled on Dec. 31, 2024, and he would not apply for re-licensure at any time thereafter.

19. The Association submitted an email exchange between the Association's Registrar, Linda Latham, and Mr. Jackson, dated January 3-17, 2025, as Exhibit 7, on consent. On

January 3, 2025, Ms. Latham asked Mr. Jackson about the status of his undertakings, including whether he had submitted the required amendments to Mr. Hepburn's survey to the Surveyor General's office by December 31, 2024. On January 17, 2025, Mr. Jackson responded as follows:

... I have received authorization from the surveyor general to deposit the Hepburn plan and pre-authorization to deposit from the Registry Office. **I have the material for deposit ready to be sent [by] courier Monday.**

(Exhibit 7, emphasis added)

20. The Association also called Ken Wilkinson as a witness, whose testimony can be summarized as follows:

- a) Mr. Wilkinson is the Examiner of Surveys for the Province of Ontario. In this role, he manages the Survey Services Unit and he oversees the surveys that are submitted into the province's Land Registry System.
- b) On or around April 8, 2025, Mr. Jackson had submitted an R-Plan, dated May 27, 2020 for deposit under the *Land Titles Act*. (Exhibit 17 with Attachment)
- c) At the time, Mr. Wilkinson was aware that Mr. Jackson was no longer licenced. He was concerned that the plan in question was dated

almost five years prior and that it was being submitted after Mr. Jackson's licence had ceased.

- d) On April 9, 2025, Mr. Wilkinson wrote to the AOLS and advised that Mr. Jackson had submitted the R-Plan, but that the Land Registry Services Branch could not process it because Mr. Jackson was no longer licenced. (Exhibit 17)

Mr. Jackson's Evidence

21. Mr. Jackson cross-examined Mr. Wilkinson and elicited the following evidence:

- a) Mr. Wilkinson was not aware whether R-Plan in question (attached to Exhibit 17) was ever deposited. He noted that a later R-Plan was deposited in May 2025, but he was unsure whether or not it was a different version of the plan.
- b) Mr. Wilkinson acknowledged that if a plan is properly signed just prior to a member's retirement, it may still be eligible to be deposited after the member's licence expired, so long as the work in question was completed when the member was still licenced. However, he stated that this would not apply if the plan was intentionally back-dated.

- c) Mr. Wilkinson was asked if he had any evidence that Mr. Jackson had backdated this plan. Mr. Wilkinson did not specify any evidence of backdating. However, he reiterated his concern that the plan was dated in 2020, and that it was submitted in April 2025, which was several months after Mr. Jackson's licence ceased. On this basis, he determined that the plan could not be processed.

22. Mr. Jackson did not call any witnesses or submit any documents in relation to the Voluntary Undertaking allegations.

THE PARTIES' SUBMISSIONS

The Association's Submissions

23. With respect to Mr. Hepburn's complaint, the Association's counsel argued that Mr. Jackson failed to complete the survey in a timely manner and failed to communicate with the client. The Association noted that Mr. Jackson was retained to complete the survey in 2019. Although he completed the initial survey by February 2020, it was undisputed that he did not complete the amendments until 2025, five years later.

24. In the interim, Mr. Hepburn testified that he tried contacting Mr. Jackson repeatedly but could not reach him. When he finally spoke to Mr. Jackson in late 2023, Mr. Jackson promised to complete the amendments within a few weeks, but he failed to do so.

25. The Association noted that by the time the survey amendments were finally completed and submitted, the purchase price had increased to \$2,211.08 plus HST, which was more than what was originally agreed.

26. The Association argued that Mr. Jackson's delays and lack of communication violated several sections of the Code of Ethics (s. 33 of Regulation 1026), including:

- a) S. 33(2)(a): duty to conduct affairs so as to maintain public trust and confidence in the profession;
- b) S. 33(2)(f): accept a project only when sufficient time and resources are available to complete the project within a reasonable time frame;
- c) S. 33(2)(g): inform the client at the earliest opportunity of any circumstances that will compromise the member's ability to meet the scheduling and deadline requirements.

27. The Association relied on section 35(3)3 of Regulation 1026, which says that a breach of the Code of Ethics is professional misconduct.

28. The Association also cited other decisions of the Discipline Committee in which the Panel accepted that similar delays and lack of client communications amounted to professional misconduct.

29. With respect to the SRD Complaint, the Association maintained that the SRD plays an important statutory role to ensure that members are practicing in compliance with legal requirements and best practices. Members are required to comply with these reviews and to provide all requested materials. Despite this, Mr. Jackson repeatedly failed to comply, and he never did provide any of the requested documents.
30. The Association noted that the SRD made reasonable attempts to accommodate Mr. Jackson by providing multiple extensions and reminders. However, Mr. Jackson repeatedly missed the deadlines and did not provide the requested documents.
31. The Association maintains that Mr. Jackson's conduct was in breach of the Standards of Practice as set out in s.34(2)(g) of Regulation 1026, which requires members to comply with requests for documents, information and other material from the Association. The Counsel noted that s.35(3) of Regulation 1026 says that a breach of the Standards of Practice amounts to professional misconduct.
32. The Association also relied on several prior decisions of the Discipline Committee which found that a failure to submit documents requested by the SRD is professional misconduct.
33. With respect to Mr. Jackson's Voluntary Undertaking, the Association maintained that Mr. Jackson had clearly breached this agreement. He was required to submit the amendments to Mr. Hepburn's survey by December 31, 2024. It is undisputed that he

failed to do so. On January 17, 2025, Mr. Jackson acknowledged that he had not yet submitted the amendments. The plan was finally submitted for deposit in April 2025.

34. The Association noted that Mr. Wilkinson had concerns about the date on the Plan (from five years earlier) and that it had been submitted months after the expiry of Mr. Jackson's licence.

35. The Association maintained that Mr. Jackson's failure to comply with the terms of his Undertaking amounted to professional misconduct. In particular, the Association alleged that Mr. Jackson breached s. 35(3)21 of Regulation 1026 by signing and submitting the Plan after his licence had expired, which was contrary to the terms of his Undertaking. The Association cited previous Discipline Committee cases in which a member's failure to comply with a Voluntary Undertaking was found to be professional misconduct.

36. The Association alleged that Mr. Jackson's overall conduct would be considered by members of the public to be dishonourable and unprofessional, contrary to s. 35(3)20 of Regulation 1026.

37. On this basis, the Association asked this Panel to find Mr. Jackson guilty of professional misconduct.

Mr. Jackson's Submissions

38. With respect to Mr. Hepburn's complaint, Mr. Jackson noted that he was having significant health problems from 2020 onwards, and that this contributed to the delays in completing the survey amendments.
39. Mr. Jackson said that, although the survey was not particularly complicated, he felt frustrated with the amendments that were being requested by the OSG. Eventually, he decided that he "could live with" the requested amendments and so he completed them.
40. Mr. Jackson acknowledged that there was a lengthy delay in completing the amendments to Mr. Hepburn's survey. He stated that he was not proud of it and that it was not how he liked to conduct his business. He said that in all his years of practice, he always tried to honour his agreements with clients and to "do what you say you'll do and charge what you say you'll charge." He acknowledged that he wasn't able to do that in this case with respect to the timeline for the survey.
41. He maintained that the delays were due mainly to his health challenges, and he noted that he did not charge Mr. Hepburn a fee for the survey work.
42. With respect to the SRD complaint, Mr. Jackson stated that he did not intend to delay or ignore the request for documents. He always intended to comply and to provide the requested documents to the SRD. However, he maintained that he was ill during that period and this impacted his ability to respond.

43. Mr. Jackson stated that he was planning to retire from practice in the future. His priority in the summer of 2024 was to complete his remaining client projects so that he could retire. He explained that he prioritized his clients' work over responding to the SRD. He stated that, given his health conditions, he did the best he could, but that his clients came before the SRD response.

44. With respect to the Voluntary Undertaking, Mr. Jackson maintained that he did his best to comply with it. He transferred his outstanding client files to another member's Certificate of Authorization, and his license expired on December 31 2024. He acknowledged that he was late submitting the amendments to Mr. Hepburn's survey, but he maintained that it was only a short delay due to his commitments over the holidays. He maintains that he submitted the amendments in early 2025 and that this was reasonable.

45. Mr. Jackson stated that there was no evidence that he backdated Mr. Hepburn's plan and he strongly denied having done so.

46. In summary, Mr. Jackson maintained that he did the best he could to comply with his obligations, given his health issues and other commitments. He felt that the discipline proceedings against him were unwarranted and would serve no good purpose, given that he has retired. He maintained that he should not be found guilty of professional misconduct.

THE PANEL'S DECISION ON THE ALLEGATIONS

47. The Panel accepts that it has jurisdiction to hear and decide this case pursuant to its authority under s. 5(3) of the Act, which states that the Discipline Committee has “continuing jurisdiction... in respect of any disciplinary action arising out of [an individual’s] professional conduct *while a member*.” (emphasis added)

48. Although Mr. Jackson is now retired, the Panel is satisfied that the allegations in question occurred while he was still a licenced AOLS member. Therefore, this Panel has jurisdiction to hear and determine the allegations of professional misconduct in this case in accordance with s. 5(3) and 25(7)(a) of the Act.

I. The Client Complaint

49. The Panel has carefully considered the evidence and submissions of the parties, and it finds that Mr. Jackson’s delays in completing the survey amendments and his lack of timely communications with Mr. Hepburn amount to professional misconduct, as alleged by the Association.

50. It is undisputed that Mr. Hepburn retained Mr. Jackson to complete the survey in late 2019. It is also undisputed that Mr. Jackson did not complete the work (including the requested amendments to the original survey) until early 2025, and only after Mr. Hepburn had filed a formal complaint to the Association against Mr. Jackson.

51. We considered Exhibit 8, which set out Mr. Hepburn's repeated attempts to contact Mr. Jackson and obtain updates about the survey, to no avail. We noted that the OSG had notified Mr. Jackson about its requested amendments on September 30, 2020, but he did not respond. The OSG then re-sent its request on May 26, 2021, and December 8, 2022, yet Mr. Jackson again failed to respond or to complete the amendments.
52. Throughout the years, Mr. Jackson failed to update Mr. Hepburn in a timely manner about the project's status. (Exhibit 8, p. 29-30) We note that in late 2023, Mr. Hepburn was finally able to reach Mr. Jackson by phone, and Mr. Jackson promised to complete the amendments in the next few weeks, but he failed to do so.
53. We were concerned that Mr. Jackson did not complete the amendments until after Mr. Hepburn had filed a formal complaint with the Association. This resulted in Mr. Hepburn's Voluntary Undertaking to complete the work no later than December 31, 2024. However, Mr. Jackson also missed this deadline, and he did not submit the amendments until early 2025.
54. In the circumstances, the Panel concludes that Mr. Jackson failed to complete the survey work in a timely manner and failed to communicate with Mr. Hepburn about the repeated delays. As a result, Mr. Hepburn's road allowance purchase was not completed until February 2026, more than six years after he had originally retained Mr. Jackson, and the purchase price had increased in the meantime.

55. We find that Mr. Jackson's repeated delays and lack of timely communication breached s. 33(2)(a), (f) and (g) of the Code of Ethics, and amount to professional misconduct under s. 35(3)3 of Regulation 1026.

II. The Survey Review Department Complaint

56. The Panel has reviewed the evidence and submissions regarding the SRD complaint. It is undisputed that the SRD repeatedly directed Mr. Jackson to provide the documentation and other materials that were necessary for the review, but that the materials were never delivered by Mr. Jackson.

57. Mr. Jackson has acknowledged that he failed to deliver documentation to the SRD. He maintains that he was facing medical issues at the time and that this contributed to his delays in responding. However, we note that the SRD made reasonable attempts to accommodate Mr. Jackson's medical condition by repeatedly extending the applicable deadlines at his request. Despite these extensions, Mr. Jackson never delivered the requested documents to the SRD.

58. We note that members have a statutory obligation to cooperate with the SRD and to provide all documents and information that are requested by the SRD for its reviews. We find that Mr. Jackson's repeated failure to do so amounted to a breach of the Standards of Practice as set out in s.34(2)(g) of Regulation 1026, and this amounts to professional misconduct under s.35(3) of that Regulation.

III. Mr. Jackson's Voluntary Undertaking

59. With respect to Mr. Jackson's Voluntary Undertaking, it is undisputed that Mr. Jackson signed the Undertaking on December 10, 2024, and that he agreed to deliver the amendments to Mr. Hepburn's survey no later than December 31, 2024, at which time his licence would be cancelled.

60. It is also undisputed that Mr. Jackson failed to comply with this Undertaking. In particular, in his email to the Association's Registrar on January 17, 2025, he confirmed that he had *not* submitted the amendments to the Hepburn survey as of that date. He undertook to do so the following week. Ultimately, the plan in question was not submitted for deposit with the Surveyor General's Office until April 2025.

61. Based on this undisputed evidence, we find that Mr. Jackson failed to submit the amendments to Mr. Hepburn's survey by December 31, 2024, and that he continued to submit plans to the Ontario Surveyor General's Office *after* his licence expired on December 31, 2024. This was in breach of his Undertaking and it was unprofessional. We find that it amounts to professional misconduct, contrary to s. 35(3)20 and 21 of Regulation 1026.

PENALTY SUBMISSIONS

62. At the conclusion of the hearing, the Panel heard submissions from both parties on the appropriate penalty in the event that the Panel were to find Mr. Jackson guilty of professional misconduct. Having found him guilty, we will now consider the parties' submissions on penalty.

The Association's Submissions

63. The Association has requested that the Panel impose the following penalty on Mr. Jackson:

- a) revocation of his licence under s. 26(4)(a) of the Act;
- b) inclusion of this Penalty on the AOLS register under s. 18(3) and (4) of the Act);
- c) publication of the Panel's Decision and Reasons in an official publication of the Association, including the AOLS' public website, under s. 26(5) of the Act;
- d) costs payable by Mr. Jackson to the Association in the amount of \$17,000 (inclusive of HST) under s. 26(4)(k) of the Act.

64. In support of this penalty, the Association's counsel asked the Panel to consider the principle of general deterrence. She argued that the Discipline Committee has a duty to

protect the public interest and that this duty is served by letting AOLS members and the public know that professional misconduct is unacceptable and will result in a meaningful penalty.

65. The Association acknowledged that Mr. Jackson had no prior record of discipline from this Committee and that this was a mitigating factor. However, its counsel noted that Mr. Jackson had been a party to prior mediation proceedings regarding allegations of delayed responses and communications. It alleged that these prior proceedings are aggravating factors.

66. With respect to the specific elements of the penalty, the Association's counsel argued that revocation was necessary, even though Mr. Jackson was retired, as it would prevent him from successfully re-applying in the future. The Association cited cases from other regulated professions in which Discipline Committees revoked the licences of retired members.

67. With respect to the notation of this Penalty on the register and the publication of the Decision and Reasons, the Association's counsel noted that both items are authorized under the Act and it cited cases in which other Discipline Panels have imposed these terms. The Association maintained that it would be in the public interest to have the Penalty, Decision and Reasons noted publicly in this manner.

68. With respect to the request for payment of \$17,000 in legal costs, counsel noted that the Association has incurred actual legal costs in excess of this amount in these

proceedings. She stated that an award of \$17,000 would cover a portion of the Association's costs on a partial indemnity basis.

69. The Association's counsel argued that the Association is funded by the fees of its members. Thus, if this Panel does not order Mr. Jackson to pay costs, those costs will effectively be borne by the Association's membership. She noted that the Act authorizes the Panel to award costs and the Association's position is that it would be appropriate to do so.

70. Finally, the Association's counsel cited several cases in which Discipline Panels have ordered the Member to pay costs to the Association in excess of the amount being sought in this case. The Association maintains that the costs award being requested is therefore fair and reasonable, given the circumstances.

Mr. Jackson's Submissions

71. Mr. Jackson's penalty submissions were short and to the point. He stated that his preference is that there should be "no penalty, no publication, and no costs."

72. Throughout the proceeding, Mr. Jackson maintained that there would be nothing gained by imposing any penalty on him given that he has retired from practice and, as per the terms of his Undertaking, his licence has been cancelled and he has agreed not to re-apply at any time in the future.

THE PANEL'S DECISION AND ORDER ON PENALTY

73. The Panel has carefully considered the penalty submissions of both parties.

74. We agree with the Association's submission that the penalty must be guided by the principle of general deterrence. This applies regardless of the fact that Mr. Jackson has retired from practice and no longer holds a license. We have found him guilty of professional misconduct that occurred while he was still a member. As a Panel we are required to impose an appropriate and proportionate penalty that demonstrates both to AOLS members and to the public that professional misconduct is not acceptable and will be penalized.

75. We considered the mitigating factors, including that Mr. Jackson has no prior disciplinary history and that he signed a Voluntary Undertaking to resolve the underlying allegations and to retire from practice.

76. We also considered the aggravating factors, including that Mr. Jackson was involved in prior mediation proceedings regarding similar allegations, and that Mr. Jackson failed to comply with certain terms in his Undertaking, as set out above.

77. With respect to the Association's request that Mr. Jackson's certificate be revoked, we discussed whether this was necessary, given that he has retired and has signed an Undertaking in which he agreed never to re-apply for his Certificate. (Exhibit 6) However, the Panel was concerned about the fact that Mr. Jackson had not fully complied with that Undertaking. Given this prior lack of compliance, we found that we could not

simply rely on the Undertaking. The Panel concluded that it was necessary to formally revoke Mr. Jackson's certificate, as requested by the Association.

78. The Panel agreed that, to protect the public interest and ensure general deterrence, the penalty in this case should be included on the AOLS register in accordance with s. 18(3) and (4) of the Act, and that the Decision and Reasons should be published in an official publication of the Association, including the AOLS' public website, under s. 26(5) of the Act.

79. With respect to costs, the Association carefully considered the amount being sought by the Association. While we noted the prior cases cited by the Association in support of its costs request, we noted that, unlike in those cases, Mr. Jackson is retired and will not be earning any income from his practice to pay any costs award.

80. We considered the Association's submission that it has incurred substantial costs to prosecute this case and that if costs were not awarded, it would be the Association's membership that would pay those costs through membership fees. We also noted that both the Act and the Discipline Committee's Manual expressly provide for an award of costs in favour of the Association if allegations of professional misconduct are proven at a hearing.

81. We noted that the Association's counsel submitted that costs of \$17,000 were being requested on a "partial indemnity" (ie. partial recovery) basis. However, when we

reviewed the Bill of Costs that was submitted by the Association, it set out the following costs amounts:

Actual Costs Incurred: \$18,729.07 (incl. HST)

Substantial Indemnity Costs: \$16,870.56 (incl HST)

Partial Indemnity Costs: \$11,295.03 (incl. HST)

82. After considering all of the above factors, the Panel decided to award the Association partial indemnity costs in the amount of **\$11,295.03** (incl. HST), in accordance with its Bill of Costs. Mr. Jackson is directed to pay to the Association costs in this amount forthwith.

83. On the basis of the above, the Panel orders the following penalty, which is effective as of the date of the hearing:

- I. Mr. Jackson's licence is hereby revoked;
- II. Mr. Jackson is ordered to pay to the Association its partial indemnity costs in the amount of **\$11,295.03** (incl. HST);
- III. this Penalty shall be included on the AOLS register under s. 18(3) and (4) of the Act); and

- IV. the Panel's Decision and Reasons in this case shall be published in an official publication of the Association, including the AOLS' public website, under s. 26(5) of the Act.

Decision and Order effective the 15th day of April, 2026.

Reasons for Decision released this 8th day of May, 2026.

Peter Lamb

Peter Lamb

Tom Kristjanson

Tom Kristjanson (May 6, 2026 11:49:40 EDT)

Tom Kristjanson

Michèle Pearson

Michèle Pearson (May 6, 2026 13:38:01 EDT)

Michèle Pearson

Vladimir Dosen

Vladimir Dosen (May 7, 2026 15:58:39 EDT)

Vladimir Dosen

James T. Hunt

James T. Hunt (May 7, 2026 15:12:31 EDT)

James T. Hunt