

Summary of Mediation and Mediation Agreement

Between the Association of Ontario Land Surveyors and P. Ardon Blackburn, O.L.S.

In a decision dated February 7, 2020, the Complaints Committee of the Association of Ontario Land Surveyors, pursuant to Section 22.(4.3)(a) of the *Surveyors Act*, referred P.A. Blackburn, O.L.S. to Council with a recommendation that the matter be referred to the Discipline Committee.

The Council of the Association of Ontario Land Surveyors, under the authority of the *Surveyors Act*, R.S.O. 1990, Chapter S.29 Section 25.1 decided that the matter should be referred to mediation and passed a motion dated April 21, 2020 to appoint Ron Emo, O.L.S. (Ret) as the mediator.

The main issue, as described in the Final Decision of the Complaints Committee, was that Mr. Blackburn did not provide a written estimate for a client before commencing work on his survey project in accordance with a previous undertaking.

The Complaints Committee noted that as a result of a previous complaint in 2012, Mr. Blackburn had been referred to Discipline for failing to provide a client with a written estimate of potential survey fees. In a Joint Decision of the Discipline Committee, dated July 17, 2012, Mr. Blackburn pled guilty and provided a signed undertaking that prior to conducting any legal surveys, he would provide a written estimate of the fees likely to be incurred.

On June 8, 2020, due to the COVID-19 pandemic, a mediation meeting was held by GoToMeeting rather than in the offices of the Association of Ontario Land Surveyors. Present at the meeting were the Mediator, Ron Emo, O.L.S. (Ret), Ardon Blackburn, O.L.S., the Deputy Registrar, Maureen V. Mountjoy, O.L.S. representing the Association of Ontario Land Surveyors (AOLS), and Peter Meerveld, the Lieutenant Governor Appointee to the AOLS Council.

After discussing the issue, the participants were assured by Mr. Blackburn that in most instances he did follow the terms of his signed undertaking, but he did acknowledge that in some rare and extenuating circumstances, such as this case, he had not provided a written estimate. When asked during the meeting, to show proof that he did prepare written estimates, Mr. Blackburn produced two signed estimate forms, which were randomly selected from his survey files.

All parties in the mediation agreed that this issue could be settled if a new undertaking would be signed by Mr. Blackburn stating that he will provide all potential clients with a written estimate of the fees likely to be incurred in conducting the requested survey.

The mediation agreement further provides that Mr. Blackburn will send copies of all of his fee estimates to a Monitor, who will be appointed by the AOLS Registrar, on a monthly basis for a period of two years. At the end of that time, the Registrar will report on the Monitor's findings to Council. Mr. Blackburn is to be responsible for all the Monitor's fees and costs as well as the costs of the mediation and the mediator.

It was also agreed that should any similar complaint arise in the future, in which Mr. Blackburn is found to have contravened this most recent undertaking, such complaint will go directly to Council to be referred to Discipline.

The agreement was signed by all parties.