

Summary of Mediation and Mediation Agreement

Between the Association of Ontario Land Surveyors and George Bracken, O.L.S.

In a decision dated August 20, 2020, the Complaints Committee of the Association of Ontario Land Surveyors, pursuant to Section 22.(4.3)(a) of the *Surveyors Act*, referred George Bracken, O.L.S. to Council.

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 October 10, 2020 to appoint Kent Campbell, O.L.S. as the mediator.

The main issue, as described in the Final Decision of the Complaints Committee, was that Mr. Bracken's lack of communication regarding schedules and increasing costs and failure to provide a written estimate, may have caused the Complainant undue stress and financial burden.

Due to the COVID-19 pandemic, mediation meetings were held virtually rather than in the offices of the Association of Ontario Land Surveyors. The Mediator met separately with George Bracken, O.L.S., the Deputy Registrar, Maureen V. Mountjoy, O.L.S. representing the Association of Ontario Land Surveyors (AOLS), Peter Meerveld, the Lieutenant Governor Appointee to the AOLS Council, and the Complainant.

All parties in the mediation agreed that this issue could be settled if Mr. Bracken's outstanding invoice with the Complainant was rescinded. The mediation agreement further provides that Mr. Bracken will be assigned a monitor, appointed by the AOLS Registrar, for a period of one year. The Monitor will focus on the member's client communications and timeliness in completing his work for the public. At the end of monitoring period, the Registrar will report the monitor's findings to Council. Mr. Bracken is to be responsible for all the monitor's fees and costs as well as the costs of the mediation and the mediator. Should Council conclude that there has been any failure on Mr. Bracken's part to comply with any of the terms of this Agreement, Council will in writing direct the Registrar to notify him that this matter will be referred back to Council.

The Agreement also requires that a summary of the mediation and agreement will be published in the AOLS Quarterly and on the AOLS website.

The agreement was signed by all parties.