

Summary of Mediation Results

Between the Association of Ontario Land Surveyors and Omari Mwinyi, O.L.S.

In a decision dated September 3, 2021, the Complaints Committee of the Association of Ontario Land Surveyors, pursuant to Section 22.(4.3)(a) of the *Surveyors Act*, referred Omari Mwinyi, 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 19, 2021 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. Mwinyi's lack of communication may have caused the Complainant undo stress and financial burden. Additionally, the Committee noted that the "Plan" prepared by Mr. Mwinyi showed planted monumentation where none existed, and the "Plan" should have been labelled a "Plan of Survey" and not just a "Topographic Survey" as it clearly was a cadastral survey.

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 Omari Mwinyi, 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.

All parties in the mediation agreed that this issue could be settled if Mr. Mwinyi (the member) agreed to the following:

1. Monitoring of the member's practice for a minimum of six months; during this period Mr. Mwinyi will review all signed plans back to January 2018 to ensure that monuments were planted and plant any that were not at his own expense
2. The member sign an undertaking that he:
 - will ensure all surveys showing legal boundaries follow the regulations and have an SRD sticker
 - will ensure all monuments are planted before the plan is signed. Any monuments not planted on previous surveys since January 2018 will be planted at the member's expense;
 - The member will not article any students in the future.
3. A summary of the results of the mediation be published in the Ontario Professional Surveyor magazine and be posted to the AOLS website;
4. The member shall be responsible for the costs of the mediation and monitoring;
5. Any future infractions of a similar nature will be considered by Council for referral to the Discipline Committee.

Should Council conclude that there has been any failure on Mr. Mwinyi'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 was signed by all parties and accepted by Council on January 25, 2022.