



IN THE MATTER OF THE *TEACHERS ACT*, SBC 2011 c. 19

AND

IN THE MATTER CONCERNING

BARRET MITCHELL BAIN



CONSENT RESOLUTION AGREEMENT

BETWEEN:

THE COMMISSIONER, APPOINTED UNDER THE *TEACHERS ACT*
(the “Commissioner”)

AND:

BARRET MITCHELL BAIN
(“Bain”)

BACKGROUND and FACTS

1. Bain held a Professional Certificate of Qualification, No. [REDACTED]. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on February 18, 1999, was valid from January 1, 1999 and continued under the *Teachers Act* as of January 9, 2012.
2. On June 30, 2016 Bain relinquished his B.C. certificate of qualification.
3. At all material times, Bain also held a permanent professional certificate issued by the Alberta Department of Education.
4. On August 18, 2016, the Alberta Minister of Education cancelled Bain’s permanent professional certificate under s.17(1)(c) of the *Certification of Teachers Regulation*, Alberta Regulation 3/1999 because of unprofessional conduct.
5. On September 9, 2016, the Commissioner initiated an investigation into Bain’s conduct under s.47(1)(b) of the *Teachers Act*.

6. The following events occurred:
 - a. On November 25, 2015, Bain pleaded guilty in Alberta Provincial Court to one count of sexual interference involving a person under the age of 14, contrary to s.151 of the *Criminal Code*. The conduct occurred between February 1, 2008 and March 1, 2008.
 - b. On November 25, 2015, a judge of the Alberta Provincial Court sentenced Bain to six months in prison and also ordered Bain to comply with the *Sex Offender Information Registration Act* for a period of 10 years.
 - c. The criminal proceedings in Alberta are subject to a court-ordered publication ban made on November 25, 2015 under section 486.4 of the *Criminal Code*.
7. On November 10, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Bain, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

8. This Agreement is made under section 53 and section 43 of the *Teachers Act*.
9. Bain understands and acknowledges that this Agreement is not effective until executed by the Commissioner, and that the date of execution by the Commissioner will be the effective date of this Agreement.
10. Bain admits that the facts set out in paragraphs 1 to 6 of this Agreement are true.
11. Bain admits that the conduct described in paragraph 6 of this Agreement constitutes conduct unbecoming and is contrary to Standard #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia*, Fourth Edition, January 2012.
12. Bain agrees that he will not apply for, and understands the Director of Certification (“the Director”) will be required, under section 64(g) of the *Teachers Act*, not to issue to him, a certificate of qualification, an independent school teaching certificate or a letter of permission at any time in the future.
13. Bain agrees not to make any statement orally or in writing which contradicts, disputes or calls into question the terms of this Agreement or the admissions made in it.

CONSEQUENCES OF THE AGREEMENT

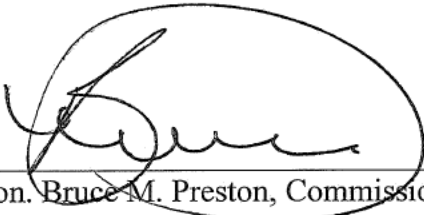
14. The Director will record the terms of this Agreement on the Teacher Regulation Branch’s online registry under section 79(d) of the *Teachers Act*.

15. Bain acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.
16. Bain acknowledges that he has voluntarily entered into this Agreement after being advised of his right to obtain independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Rosemary, ^{AB} ~~B.C.~~
this 20 day of Feb, 2017.


Barret Mitchell Bain

Signed in Vancouver, B.C.
this 1 day of March, 2017.


Hon. Bruce M. Preston, Commissioner