



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

AND

IN THE MATTER CONCERNING

MEHMET METIN TOYATA

██████████

CONSENT RESOLUTION AGREEMENT

BETWEEN:

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

AND:

MEHMET METIN TOYATA
(“Toyata”)

BACKGROUND and FACTS

1. Toyata held a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on January 8, 1993, was valid from September 1, 1992 and continued under the *Teachers Act* as of January 9, 2012.
2. Toyata’s certificate of qualification was cancelled on November 3, 2015 due to non-payment of fees.
3. At all material times, Toyata was employed as a high school teacher by School District No. 57 (Prince George) (the “District”).
4. On April 11, 2013, the District made a report to the Commissioner regarding Toyata, under section 16(2) of the *School Act*. This has been designated Case 01.
5. On July 15, 2013, Toyata signed an undertaking not to teach in any role which required a

certificate of qualification, independent school teaching certificate or letter of permission until Case 01 had been finally resolved, or the Commissioner released him from his undertaking, whichever came first.

6. On November 7, 2014 the Commissioner initiated an investigation under s.47(1)(b) of the *Teachers Act* after learning that Toyota had been charged with possession, accessing and distribution of child pornography. This has been designated Case 02.
7. On November 20, 2014, the Commissioner combined Case 01 and Case 02 as arising from the same events.
8. The following events occurred:
 - a. On October 10, 2014, Toyota was charged with the following:
 - i. Accessing child pornography between June 12, 2012 and January 31, 2013, contrary to section 163.1(4.1) of the *Criminal Code*;
 - ii. Importing or distributing child pornography between June 12, 2012 and January 31, 2013, contrary to section 163.1(3) of the *Criminal Code*; and
 - iii. Possessing child pornography between June 12, 2012 and January 31, 2013, contrary to section 163.1(4) of the *Criminal Code*.
 - b. On February 25, 2015, the Court imposed a publication ban under s.486.5(1) of the *Criminal Code*, prohibiting publication of information which could identify a victim or a witness in the criminal proceedings.
 - c. On April 22, 2016, the Court imposed a publication ban under s.486.4(3) of the *Criminal Code*, prohibiting publication of information which could identify a witness under the age of 18 in proceedings in respect of an offence under section 163.1 of the *Criminal Code*.
 - d. On May 13, 2015, Toyota pleaded guilty to the charges relating to accessing and possessing child pornography. Crown counsel stayed charges relating to importing or distributing child pornography. The trial judge conditionally stayed the charge of accessing child pornography.
 - e. On August 10, 2016, Judge Brecknell of the Provincial Court of British Columbia sentenced Toyota to 60 days imprisonment on the charge of possessing child pornography. Toyota may serve his sentence intermittently, on weekends, commencing August 19, 2016. Toyota was also placed on three years' probation which included the following terms:

- i. He is prohibited from seeking, obtaining or continuing any employment or volunteer position which involves being in a position of trust or authority towards persons under the age of 12; and
 - ii. He is prohibited from using a computer or accessing the internet or other digital network for the purposes of communicating with any person under the age of 12, save for members of his family.
9. On February 8, 2013, the District suspended Toyota with pay until Crown counsel decided whether or not to pursue criminal charges. On October 28, 2014, the District suspended Toyota without pay, effective October 29, 2014. On August 23, 2016, the District terminated Toyota's position, effective August 31, 2016.
10. On October 20, 2016 the Commissioner considered this matter and determined to propose a consent resolution agreement to Toyota, in accordance with section 53(1)(a) of the *Teachers Act*.

DISPOSITION

11. This Agreement is made under section 53 and section 43 of the *Teachers Act*.
12. Toyota 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 (the "Effective Date").
13. Toyota admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.
14. Toyota admits that the conduct described in paragraph 8 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.
15. Toyota 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, under section 64(g) of the *Teachers Act*.
16. Toyota 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

17. 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*.

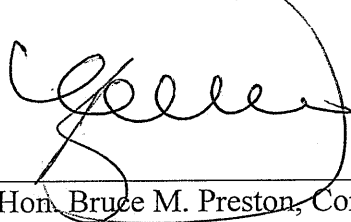
18. Toyata acknowledges that this Agreement will be published in accordance with section 54 of the *Teachers Act*, which includes posting the Agreement, in full, on the following website: www.bcteacherregulation.ca.
19. Toyata acknowledges that he has voluntarily entered into this Agreement with the benefit of independent legal advice, and that he fully understands the terms and conditions set out in this Agreement.

Signed in Prince George, B.C.
this 26 day of September, 2017.



Mehmet Metin Toyata

Signed in Vancouver, B.C.
this 11 day of October, 2017.



Hon. Bruce M. Preston, Commissioner