



Ontario's Teaching Regulator
L'organisme de réglementation
de l'enseignement en Ontario

January 27, 2022

The Honourable Stephen Lecce
Minister of Education
438 University Avenue, 5th Floor
Toronto ON M7A 2A5

Dear Minister Lecce,

We are writing to request an amendment to subsection 33(4.1) of the *Ontario College of Teachers Act, 1996 (OCTA)*. This provision was enacted as part of the amendments introduced through Bill 229 in 2020.

Under those amendments, a member's certificate of qualification and registration was deemed to have been retroactively revoked if the member was previously found guilty of an act of professional misconduct relating to sexual abuse or child pornography and a revocation was not order by the Discipline Committee or a revocation was ordered at the time but the member was later reinstated (s. 30.3 of the *OCTA*).

Subsection 33(4.1) states that a member who has had his/her certificate revoked pursuant to an order under section 30, or is deemed revoked pursuant to section 30.3, can apply for reinstatement no "earlier than five years from the date of the *order*" [emphasis added]. The College believes that legislative drafters intended the five-year period to run from the date of deemed revocation, given the nature and purpose of the provision and the College's clear duty to protect the public interest.

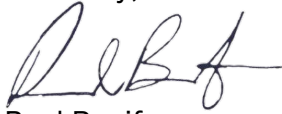
The Registrar applied this interpretation in a recent reinstatement matter and, consequently, denied an application for reinstatement from a member that had been retroactively revoked. That decision was the subject of a recent judicial review by the Ontario Divisional Court, where the majority interpreted the word "order" to refer to the original Discipline Committee order. The College has sought leave to appeal this 2-1 majority decision, but there is a possibility that the College may not prevail in the appeal.

In the interim, we have proposed the following amendment to subsection 33(4.1) of the *OCTA*, with the amending language in red:

33(4.1) Despite subsections (3) and (4), if a person has had a certificate revoked pursuant to an order made under section 30 or deemed revoked pursuant to section 30.3 for committing an act of professional misconduct that consisted of or included any of the following, an application under subsection (1) to have a new certificate issued shall not be made earlier than five years from the date of the **revocation order under section 30 or from the date of the deemed revocation under section 30.3**:

The College believes this amendment will clarify the meaning and purpose of the provisions and align them with the underlying legislative intent and the public interest. We request that this amendment be made on an expedited basis due to the risk to the public, particularly students.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Bonifero', with a stylized flourish at the end.

Paul Bonifero
Transition Supervisory Officer

A handwritten signature in blue ink, appearing to read 'Derek Haime', with a stylized flourish at the end.

Dr. Derek Haime, OCT
Registrar and Chief Executive Officer

PB/DH/JB/JL/tk-ccs