



2019 TAAP 01

Decision issued: August 29, 2019

File No: L170345

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

AND

A CERTIFICATION APPEAL BY PIERRE SABBAGH

DECISION OF THE PANEL

Written submissions filed: September 9, 10 and 28, 2018

Panel: Teresa Mitchell-Banks, Q.C., Chair; Matthew Cooke; Susan Wilson

Counsel for the Commissioner: Maureen Boyd, Ministry of Attorney General

Counsel for the Appellant: Self-represented

- [1] This is a certification appeal under Part 6, Division 5 of the *Teachers Act*¹ (the “Act”) from the October 27, 2016, reconsideration decision (the Decision) of the Director of Certification (the “Director”). Pierre Sabbagh (the Appellant) wishes to become a public school teacher in British Columbia. The Director’s decision was to deny him a Certificate of qualification. As the Appellant was unable to attend

¹ *Teachers Act [SBC [2011]] Chapter 19* governs the authorization of individuals to teach in the B.C. school system, the certification standards are set out in the policies and bylaws and were adopted by the B.C. Teachers Council.

an oral hearing, the matter proceeded by way of written submissions pursuant to an order made by the Commissioner on August 3, 2018.

- [2] Although the Act refers to this as an appeal, it is not an appeal in the traditional sense. That is, it is not the task of the Panel to re-examine the decisions of the Director and determine whether they were correct, but rather to assess for ourselves whether the Appellant meets the requirements specified in the Act, its Bylaws and Policies, to obtain a Certificate of qualification or independent school teaching Certificate.
- [3] The purpose of an appeal is made clear in s. 76(1) of the Act which states that at the certification appeal the Panel may:
- (a) determine whether or not the appellant meets the requirements in section 30 [*issuance of Certificate*] to be issued a Certificate of qualification or an independent school teaching Certificate;
 - (b) if the appellant meets the requirements in s. 30 of the Act, determine what type of Certificate of qualification or independent school teaching Certificate the director of certification must issue to the appellant.²
- [4] If the Panel determines that an Appellant meets the requirement in s.30, to be issued a Certificate of qualification or an independent school teaching Certificate, the Panel may make an order requiring the Director to issue to the Appellant the appropriate Certificate.
- [5] The Appellant has advised that he does not want an independent school teaching Certificate, even though he has been told by the Director that he qualifies for one. For this reason, his appeal centres on the question of whether

² s. 76 then goes on to speak to the evidence that may be heard.

he meets the s. 30 requirements for a Certificate of qualification (a Certificate) which would enable him to teach in public schools within British Columbia.

- [6] The Panel is required by s.77 to give written reasons for its decision. Those reasons must be made public by the Director unless the Panel determines that publication would cause significant and undue hardship to a person. Neither party raised this possibility, and, therefore, these reasons will be made public.

THE APPELLANT’S EDUCATIONAL BACKGROUND

- [7] The Appellant was born and educated in Lebanon. He speaks French, English and Arabic. The Appellant has obtained a number of diplomas, certificates and degrees at various Lebanese institutions and universities as follows³:

1. In 1986, he was granted a diploma in civil Engineering from the Institut des Sciences;
2. In 1987, he obtained a Teaching License in History (the License d’Enseignement en Histoire) from the University of Lebanon (Faculty of Letters) after completion of a four-year post-secondary program;
3. In 1989 he was granted a diploma from the University of Lebanon (Faculty of Letters and Human Sciences) (considered equivalent to the first year of a Master’s degree in History (the Diplôme d’Etudes Approfondies en Histoire));⁴
4. In 2000, he was granted a Certificate of Aptitude – School Administration/Section: Head of Schools (“CAAS”) from the Université Saint-Joseph (the CAAS certificate);⁵
5. In 2007, he obtained a Master of Science – Section: School Administration at the Université Saint Joseph;⁶

³ Exhibit 8, Tab C; Tab L1, pp.33-39; Tab LL, pp. 197-203

⁴ Exhibit 8, Tab L, pp. 28-30; Tab P1, p. 56; Tab Q1, p. 60

⁵ Exhibit 8, Tab L, p. 29

⁶ Candidates seeking admission to this Program must hold a Bachelor of Education Degree in a subject listed in the Lebanese secondary-level school and also hold the position of Head of School. Studies are

6. In 2015, he obtained a PhD in History (a doctorate level degree in History) at the Université Saint Esprit de Kaslik.⁷

THE APPELLANT'S TEACHING EXPERIENCE

[8] The Appellant's teaching experience has also been exclusively in private schools in Lebanon.⁸

7. From 1986 to 1988 Teacher at the *College de la Providence* in Dora, Bourj Hammoud, Complementary grade.
8. From 1988 to 1992 Teacher at the *College de la Providence* in Dora, Bourj Hammoud, Secondary Education in the mornings and in the afternoons at the *Technical Institut de la Providence*⁹
9. From 1992 to 2004 Teacher at the *Institut Technique des Soeurs des Saints Coeurs*
10. From 1993 to 2011 Vice-Principal and teacher at *Institut Technique des Soeurs des Saints Coeurs*
11. From 2011 to 2016 Principal and teacher at *Lycée Notre Dame du Perpétuel Secours*.¹⁰

A BRIEF HISTORY OF THIS MATTER

[9] The Appellant has applied three times for a Certificate permitting him to teach in B.C. public schools. The First Application was made in 2004,¹¹ the Second in 2008,¹² and the Third in 2016.¹³

spread over a two-year academic year period, over eight sessions, four in the first year and four in the second year. The duration of each of these sessions is one week of intensive six-day courses, six hours a day. This training takes place during employment and draws heavily on the students' experience as Head of School. Exhibit 9, Tab G

⁷ Exhibit 8, Tab NN, pp. 208-211; Tab LL, p. 198

⁸ Exhibit 9, Tab K, An Attestation from the Union of Teachers in Lebanon.

⁹ Exhibit 8, Tab L1, p. 38

¹⁰ Exhibit 8, Tab LL, p. 199

¹¹ Exhibit 8, Tab C

¹² Exhibit 8, Tab AA

¹³ Exhibit 8, Tab LL

[10] The Appellant's First Application was assessed by an evaluator with the B.C. College of Teachers and was denied on January 24, 2005.¹⁴ The reasons are lengthy but the evaluator's main points were:

1. there was no evidence of any student teaching within the *license* program,
2. The Appellant had not completed the fifth year *Certificat d'Aptitude Professionnelle de l'Enseignement Secondaire* (CAPES) which is normally expected of teachers in the Lebanon public education system,
3. As the Appellant's entire teaching career had been in the private school system in Lebanon, he had not met the requirements of Bylaw 2.1.02(b) sufficiently to qualify for a Certificate,
4. Acceptable studies in both French composition and Literature requirements of Bylaw 2.J.02(a) had not been demonstrated, and,
5. The number of credits the Appellant had completed (16.7) in his initial teaching training (*license*) were insufficient to recognize his *certificat* as equivalent to the teacher training required of all teachers in British Columbia.

[11] In the final result, the Appellant was advised that to qualify for a Certificate entitling him to teach in B.C. public schools he would need to complete, at a provincial Faculty of Education, a full teacher education program, which included completion of:

1. a minimum of 30 credits of education course work,
2. A 12 week practicum specific to teaching History at the secondary level,
3. 6.0 credits of English Literature and Composition course work, and

¹⁴ Exhibit 8, Tab Z

4. 6.0 credits of Canadian Studies (Canadian History and/or Canadian Geography).

- [12] The denial letter also stated that as an alternative, the appellant could complete the Professional Qualification Program at Simon Fraser University in place of a full teacher education program.
- [13] The Appellant chose to do neither. Instead the Appellant enrolled in a *Maîtrise Professionnelle en Sciences de l'Éducation – Option – Gestion Scolaire* (Professional Masters in Education – Option-School Administration) program at the *Université Saint-Joseph* in Lebanon. The degree was awarded him in 2007.
- [14] The Appellant's Second Application (made one year later in 2008) only provided an update of information from his first Application. Particularly, that the Appellant had obtained the previously mentioned Master's degree in school management and that from 2005-2008 he had been working as vice-principal at *College Notre Dame de Perpetual Secours* in Beirut. The Appellant did not proceed with this application and it was closed as he decided to upgrade his education in school administration and complete a Ph.d. in History from the *Université Saint-Espirit de Kaslik* in Lebanon in 2015.
- [15] The Appellant's Third Application, which forms the basis of this appeal, was filed in April, 2016. The Appellant was evaluated as a secondary school history teacher by an evaluator for the Teacher Regulation Branch.¹⁵ On October 11, 2016 the then Director, Monica Winters, issued the Initial Decision¹⁶ in which she

¹⁵ Exhibit 8 at tab UU

¹⁶ Exhibit 8, Tab A

denied the Certificate. Ms. Winters found the Appellant did not meet the requirements of s. 30 of the Act because the Appellant:

1. did not meet the educational components of a Teacher Education Program which requires 48 semester credits including methodology and practicum (he was credited with 13)
2. did not have 3 credits of university-level academic coursework in French Literature (he was credited with 3 credits in French composition) which is required of teachers who wish to teach in French.
3. did not have 3 credits of university-level coursework in Canadian Studies (required of teachers who wish to teach History). The heart of the decision, which is now in contention, stated as follows:

Your teacher training was very different from the training BC teachers must complete. You completed your education studies in Lebanon, including a *License en d'Enseignement* (initial teacher education program for teaching history). This degree contained only 13 semester credits of education coursework including methods for teaching history but did not include a practicum. Additionally, you did not complete the 5th year after the license, the teacher training year of the *Certificat d'Aptitude Professionnelle de l'Enseignement* secondary (CAPES). Because of this, your program did not lead to teacher certification for the public schools in Lebanon.

B.C. teachers must complete a minimum of 48 semester credits of education studies, including methodology and practicum. This is approximately 1.5 to 2 years of full time study. Your additional education credentials cover administration and school management and while the total credit count of your education studies satisfies

the 48 semester credit requirement, your initial teacher training program is not comparable to one completed in BC.

- [16] The Director concluded that the Appellant would need to complete a teacher education program for teaching History at the secondary level and earn 3.0 credits each in French Literature and Canadian Studies at a provincial university in order to qualify for a Professional Certificate.

The December 28th, 2016, Reconsideration Decision

- [17] On October 23, 2016 the Appellant requested a reconsideration. He argued that he was licensed in Lebanon to teach in both private and public schools, and that throughout his studies he had satisfied the French Composition and Literature components. He submitted further documentation in support of his request.¹⁷

- [18] On December 28th, 2016 the Director issued her Reconsideration Decision.¹⁸
The essential points of her decision are as follows:

- A letter from the Ministry of Education and Higher Education in Lebanon confirmed that the Appellant's *License d'Enseignement en Histoire* in combination with his *Certificat d'Aptitude à l'Administration Scolaire* did entitle him to teach in both private and public elementary and secondary schools in Lebanon;
- Because of the many differences (instructional methods, classroom makeup, learning environment, assessment models and education strategies) between the education system in Lebanon and in Canada, the Appellant needed to supplement his teacher education with a familiarization program taught at B.C. universities.

¹⁷ Exhibit 8, Tabs VV, WW, and XX

¹⁸ Exhibit 8, Tab B

- The familiarization program would have to include a minimum 3.0 semester credit course in each of (a) methodology for teaching secondary History, (b) teaching students with special needs (diagnosis, planning for instruction, assessment and evaluation), and (c) First Nations pedagogy and issues related to the historical and current context of First Nations, Inuit, and Métis learners
- The Appellant was also required to complete an eight-week practicum teaching history at the secondary level in an acceptable classroom setting supervised by the Faculty of Education at a British Columbia university recognized under the *Universities Act*.
- There was sufficient evidence of French composition to exempt him from the requirement that he complete 3.0 semester credits of French composition but no evidence that he had ever completed a 3 semester credit course in French Literature and therefore he would have to complete a French Literature course at the university level to satisfy this component.
- The Appellant was required to complete a 3.0 semester credit course in Canadian studies

[19] The Reconsideration Decision concluded with the advice that the Appellant not enroll in a familiarization program without first speaking with an Advisor in the Faculty of Education of the institution he planned to attend. He was also advised that before completing any coursework he hoped would lead to certification, he should obtain approval from an evaluator of the Teacher Regulation Branch.

[20] On January 29, 2017, the appellant filed an appeal under section 32(8) of the Act. The Commissioner completed a preliminary review as required under section 71 and on November 14, 2017, the Appellant was notified that his appeal was referred under section 72 to a Panel for a hearing. As mentioned, this hearing is by way of written submissions.

REQUIREMENTS FOR CERTIFICATION AS A TEACHER IN BRITISH COLUMBIA

An overview

- [21] The Act governs the authorization of individuals to teach in British Columbia public and independent schools. Section 30 is concerned with the Issuance of Certificates.
- [22] Section 30(1) sets out the basic requirements an applicant must meet before being issued a Certificate. Of relevance to the matters in issue, the Appellant must show he meets the certification standards to be eligible for a Certificate of qualification.
- [23] The standards for a Certificate are set by the British Columbia Teachers' Council under Section 13(d)(i) and (ii). These standards are Bylaw 2 and Policy P2 and P5, which were adopted by the Council at its first meeting in May 2012.¹⁹ Although the words "bylaw" and "policy" are used, there is no legal distinction between them, as both the Bylaw 2 and Policy P2 are "certification standards" set by the British Columbia Teachers' Council.

THE IMPORTANCE OF THE ACT, ITS BYLAWS AND POLICIES

- [24] The Act and its Bylaws and Policies establish standards for the education, professional responsibility and competence of those who teach, are qualified to teach, or who wish to teach. They serve a critical function as a gateway to our children. The influence of school on a child cannot be understated. Many adults can remember the name of almost every teacher they had. For many, teachers served as a major influence in their lives: as a safe haven, an inspiration, the key to their learning and development as a person. School also serves both an educational and socialization role. Children become integrated into their

¹⁹ Exhibit 8, paragraph 8

community and in addition to academic subjects are introduced to the arts, music, and sport.

[25] The certification standards allow adults, from within and without B.C. to teach children in our school system. The standards are vitally important in ensuring that every child in every public school in our province is taught by a properly certified and qualified teacher. No child deserves less than this.

[26] Conversely, everyone who wishes to teach in B.C., regardless of where they received their qualifications or how many degrees they hold, must be held to these same standards. To do otherwise, would be unjust to other applicants and undermine the quality of education afforded to our children. Therefore, all applicants' credentials must be measured against the standards and requirements in the Act, its Bylaws, and its Policies in a manner that is consistent and fair to all.²⁰

[27] Before addressing the certification requirements themselves, it is important to understand how the Act, Bylaws, and Policies should be read and understood.

PRINCIPLES OF STATUTORY INTERPRETATION

[28] The Act, Bylaws and Policies cannot be severed off and interpreted on a purely literal fashion. Guidance must be taken from the context in which they are set and the overall purpose of the Act itself. The Supreme Court of Canada

²⁰ There are a few limited exceptions to the standards for those who teach in fully independent schools. Similarly, there are interprovincial and territorial agreements.

explained the approach to be taken to statutory interpretation in *Alberta Union of Provincial Employees v. Lethbridge Community College*:

[29] The prevailing approach to statutory interpretation is that proposed by E. A. Dreidger, wherein "the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament" (*Construction of Statutes* 2nd ed. 1983). This approach has been widely endorsed by this Court...

As held in *Bell ExpressVu*, [2002 SCC 42], at para. 27, context in the construction of statutory language is invaluable. The modern approach recognizes that statutory interpretation cannot be founded on the wording of the provision alone. Indeed, the words of the particular provision must be considered in light of the legislation as a whole.²¹

[30] Our interpretation of Bylaw 2 and Policies P2 and P5 must be in accordance with the instruction of the Court. Therefore, in interpreting the certification standards we must have regard to the purpose of the *Teachers Act*, and interpret Bylaw 2, and Policies P2 and P5 in their context within the purposes of the Act. We must then apply them to the facts and issues of this case.

AN OVERVIEW OF THE REGIME

BYLAW 2 QUALIFICATIONS

[31] There are a number of different types of Certificates that may be issued. The Director has determined the Appellant could be issued an Interim Subject

²¹ Exhibit 7, Tab 1 at paragraphs 25 and 26

Restricted Independent School Teaching Certificate.²² However, the Appellant has clearly stated that he only wishes certification as a fully qualified teacher to teach in French. This Certificate is known as the Professional Certificate of Qualification and is the primary Certificate issued under the legislation. This Certificate permits a teacher to teach in both private and public schools and has no expiry date (Bylaw 2.C.01.1 (a)).

[32] Bylaw 2.H.01 sets out the general principles required for eligibility for certification:

- (a) proficiency in English or French;
- (b) a broad understanding of Canadian culture and society;
- (c) professional preparation suitable to undertaking teaching assignments appropriate to the British Columbia curriculum;
- (d) specific knowledge appropriate to the British Columbia curriculum;
and
- (e) an appropriate balance between professional, academic and/or specialist studies

[33] Bylaw 2 and Policy P2 set out further specific requirements in each of these.

ACADEMIC PREPARATION STANDARDS

[34] The parts of Bylaw 2.J.02 relevant to this application require that:

- All applicants must have successfully completed a minimum of 6 credit/semester hours or equivalent of undergraduate English or French course work,²³

²² Exhibit 6, paragraph 49 and Exhibit 7 at Tab 10

²³ Bylaw 2.J.02(a)

- An applicant whose initial teacher education preparation is for assignments at the levels of Grade 8 and above must have completed a minimum of 24 credits of academic coursework in one teachable subject area. These studies must be in fields of knowledge that are compatible with the curriculum expectations in British Columbia secondary schools, and in sufficient depth to ensure an appropriate knowledge and understanding of the subject, as defined in Policy P2.J.07 (which lists a number of subject areas taught in B.C. Secondary schools including history).²⁴
- An applicant for a certificate of qualification, who is deficient in not more than 12 credit/semester hours or equivalent of academic course work as specified in Bylaw 2.J.02(a) and (b), may be granted a conditional certificate of qualification²⁵
- Any other deficiency in academic course work must be completed before a conditional certificate of qualification is issued.

POLICY 2 QUALIFICATIONS

[35] Bylaw 2.J.02 is further described in Policy P2.J. Further criteria for qualification include:

(a) English or French Requirement

For applicants teaching in the English language, the course work required by Bylaw 2.J.02(a) must be English; for those teaching in the French language the course work must be French.

- (i) The 6 credit/semester hours must include both literature and composition and must be comparable to post-secondary courses taken at a British Columbia university.
- (ii) Three credit/semester hours of composition may be credited to applicants who have completed a thesis in the relevant language as

²⁴ Bylaw 2.J.02(c)

²⁵ Bylaw 2.J.2(d)

part of a masters or doctorate degree acceptable to the Director of Certification.

PROFESSIONAL PREPARATION STANDARDS

[36] Bylaw 2.I along with Policy P2.I set out the required professional program that an applicant must have completed to be eligible for a Certificate of Qualification.

They are crucial to the heart of teacher education.

[37] Bylaw 2.I.02 defines acceptable Professional Preparation.

(a) An applicant must have successfully completed a teacher education program acceptable to the Teacher Regulation Branch which must include:

(i) 48 credit/semester hours or equivalent of professional education course work including any credit granted for practice teaching. Acceptable teaching practice is defined in policy P2.I.01.1.

[38] P2.I.01 sets out the criteria for a basic teacher education program acceptable to the Teacher Regulation Branch as follows:

To be considered acceptable, a basic Teacher Education program shall either

(a) be a program offered at a British Columbia post-secondary institution and approved by the BC Teachers' Council, or

(b) if outside British Columbia, be a program which

(i) is offered at a post-secondary institution acceptable to the Teacher Regulation Branch, and

(ii) satisfies the requirements of Bylaw 2.I.02, and

(iii) has resulted in a certificate being granted in the jurisdiction in which the teacher education program was completed.

TEACHER EDUCATION PROGRAM APPROVAL STANDARDS

[39] Policy 5.C.04 sets out curricular content BC Teacher Education Programs must meet in order to have graduates considered for certification by the TRB. The parts relevant to this appeal are as follows:

(a) Programs must:

(iii) Content

1. Have educational and pedagogical content which provides a base of knowledge of sufficient breadth and depth to meet the *Standards for the Education, Competence and Professional Conduct of Educators in BC* and prepare the candidate for an appropriate teaching assignment in the school system. This shall include:
 - a. For a professional Certificate, an acceptable degree as defined by P2.B.03, or
 - b. As an alternative to 3.1(a) or 3.1(b), an appropriate combination of academic and/or specialist course work on a program, consistent with Bylaw 2.B, recommended by the Faculty of Education and approved by the BC Teachers' Council prior to inception of the program.
 - c. At least six (6) credit/semester hours of English Literature and Composition.
2. Have content which provides a base of pedagogical knowledge informed by current research.
3. Have content which provides a base of pedagogical skills that is informed by principles of effective practice and current research.

4. Have content which recognizes the diverse nature of our society and which addresses throughout the program philosophical, ethical, and societal concerns with specific attention to the following areas:
 - a. English as a Second Language (ESL)
 - b. First Nations
 - c. Gender Equity
 - d. Multiculturalism and Racism
 - e. Students with Special Needs
 - f. Sexual Orientation, Homophobia and Heterosexism
 - g. Poverty and Social Deprivation
 - h. Religion and Religious Intolerance
 - i. The Immigrant Experience
 - j. Violence and Bullying

[40] A Teacher Education program must also include an acceptable practicum. Policy 5.C.03 requires that a practicum used to summatively evaluate the applicant for recommendation for a certificate must be a minimum of eight weeks in length and be taken in schools which:

- (a) are located in British Columbia,
- (b) are free from conflict of interest between the practicum student and any staff at the school, including that the school has not previously employed and does not currently employ the practicum student in any capacity,
- (c) do not discriminate in the admission of students on the basis of scholastic or intellectual ability or any federally or provincially protected human right,
- (d) teach the provincially approved curriculum,
- (e) provide supervision by sponsoring teachers and principals who hold certificates of qualifications, and

- (f) have been accredited, inspected, or approved using a process acceptable to the Teacher Regulation Branch

[41] Placements in schools which do not meet the criteria may be considered by special application to the Teacher Regulation Branch.

THE POSITION OF THE PARTIES

The Director

[42] The Director maintains the Appellant does not satisfy the requirements to be issued a certificate because:

- a. He has not completed an acceptable teacher education program for the following reasons:
 - i. the teacher education program that he took does not meet the requirement of 48 credit/semester hours under Bylaw 2.I.02(a), or the minimum acceptable amount of 30 credit/semester hours for issuance of a conditional Certificate of qualification under Bylaw 2.I.02(c);
 - ii. there is no evidence that the Appellant completed an acceptable practicum supervised by the university, as required by Policy P2.I.01.1 and related provisions;
 - iii. the teacher education he has completed is not comparable to an approved teacher education program in British Columbia, as required by Bylaw 2.A.01(b)(i);
- b. The Appellant has not completed three credit/semester hours of French Literature as required by Bylaw 2.J.02(a) and Policy P2.J.02(a)(i);
- c. The Appellant does not have a broad understanding of Canadian culture and society as required by Bylaw 2.H.0.1 (b), and the

Appellant has not completed three credit/semester hours of Canadian studies²⁶ as required by Bylaw 2.J.02(b)(iii)

The Appellant

- [43] The Appellant says that his teacher education and extensive post graduate work should satisfy the certification requirements. He argues that he should be granted education credits because within the *Diplome d'Etudes Approfondies en Histoire* (Masters Degree in History) and the *Certificat D'Aptitude à l'Administration Scolaire* (Aptitude Certificate in School Administration - upgraded to the Master Degree in Education in 2007), there are, amongst the credits in administration and school management, comparable courses in education studies, methodology, and practicum courses for which he should receive credit.
- [44] It is his further contention that his Masters degree is a higher qualification than the basic requirements of the Act and standards. In this vein he wrote "Instead of enrolling in (sic) Qualification Program at Simon Fraser University, and to have more strength in my education's formation, I had been enrolled in a Master Degree program and I got the *Maîtrise en Sciences de l'Education*." This degree, he maintains, is "higher" than the Professional Qualification Program and acceptable by the University of British Columbia and Simon Fraser University and all Canadian universities.²⁷
- [45] The Appellant objects to the Director's concern that the Lebanese education system is not "compatible" with the Canadian education system. He cites the B.C. Ministry of Education website which contains the following advice: "if you have studied and/or taught in an education system that is significantly different from

²⁶ The lack of Canadian studies is not contested by the Appellant who has expressed a willingness to undertake the required course.

²⁷ Exhibit 2, p. 9

the education system in Canada, we may ask you to complete a familiarization program.”²⁸ He writes, “...this clause assumes the existence of several education systems around the world and some of these systems may be accepted in BC regardless of all differences that may exist between them”.

- [46] The Director previously advised the Appellant in her letter to him of December 2016, “...each country has a unique way of educating its children that reflects its value, its culture, and its history”. Therefore, he argues, that as “...we cannot find an exact replica of the BC’s education system with other countries, because the education systems are, by nature, extremely complex and multifaceted” this must, by extension, mean “therefore that all international applicants (including me) must take a familiarization program regardless of their jurisdiction where they completed their academic program.” He made no submissions on the comparability of the Lebanese curriculum to that taught in B.C. schools.
- [47] With regard to the requirement that a practicum be completed for certification he states that he did a “one full year practicum before having this Educational Bachelor Degree in History (*License d’Enseignement en Histoire*)²⁹ The Appellant also says that he did a practicum while doing the CAAS program and gave in support of this a letter from the director of the Institute *Universitaire pour l’Enseignement et l’Encadrement* (Faculty of Education at USJ).
- [48] With reference to the requirement that he complete 3 semester credits in French Literature, the Appellant submits that his extensive reading and writing during his postgraduate work in French should satisfy the French literature requirements and not only the French composition component.

²⁸ Exhibit 2, p. 13, B.C. Ministry of Education website Home>Becoming a Teacher> International Graduates

²⁹ Exhibit 2, p. 6

ISSUES ON APPEAL

Requirements that are Satisfied and Not in Issue in this Appeal

[49] The Director now acknowledges that the following requirements have been met by the Appellant:

- a. being of good moral character and otherwise fit and proper to be issued a Certificate of Qualification as required by section 30(1)(c)(ii) of the *Teachers Act*;³⁰
- b. French language proficiency as required by Bylaw 2.H.01(a);³¹
- c. successful completion of academic studies in Faculties other than the Faculty of Education as required by Bylaw 2.J.02 and Policy P.B.03, which states that a degree is acceptable if granted by a post-secondary institute acceptable to the Branch and the applicant has a minimum four year program and not less than 120 credit/semester hours beyond BC grade 12;³²
- d. completion of three credit/semester hours of French composition as required by Bylaw 2.J.02(a) and Policy P2.J.02(a)(i);³³

³⁰ Exhibit 5, paragraphs 59-63

³¹ The Appellant successfully completed the French Language Appraisal at UBC in August, 2016. See Exhibit 8, Tab TT

³² The Appellant has completed the requirement of academic studies of not less than 120 credit/semester hours. He completed a *License d'Enseignement (History)* at *Université Libanaise* in 1987, a four year program with 120 credit/semester hours. The transcript shows he completed this four year program between 1984 and 1987 and all the courses were history courses, except for three courses in his first year (Grammar and Arabic stylistic, Grammar and French stylistic, Geography). The preamble of the transcript shows that he completed 28 credits of academic course work over four academic years which is equivalent to a four year undergraduate degree program at a Canadian university. Exhibit 8, Tab N and N-1

³³ The Appellant satisfies the requirement for three credit/semester hours of French composition. Policy P2.J.02 (a) (ii) allows three credit/semester hours to be credited to an applicant who has completed a thesis (in English or French) as part of a masters or doctorate program acceptable to the Director. In this case, the Appellant completed a Diploma of Higher Education with a thesis, and a Ph.D. in History at the Holy Spirit University of Kaslik. The Appellant provided evidence of certification in Lebanon to teach in both the private and public school system in October 2016 as part of his request for reconsideration. A letter dated October 20, 2016 from the Ministry of Education and Higher Education of Lebanon states that the CAAS and the License authorize the Appellant to "exercise teaching in both public and private schools at the Elementary and Secondary Education levels".

- e. the teacher education program taken by the Applicant resulted in a certificate being granted in the jurisdiction in which the program was completed as required by Policy P2.1.01(b)(iii); and
- f. current teaching experience as required under Bylaw 2.M.01.

ISSUES ON APPEAL

[50] The Director says that the Appellant has still not satisfied the necessary requirements to be eligible for a certificate. We have framed them as issues which we are to decide.

Issue 1: Has the Appellant satisfied the academic preparation standards and in particular the three credit/semester hours of French literature coursework required by Bylaw 2.J.02(a) and Policy P2.J.02(a)?

Issue 2: Has the Appellant satisfied the professional preparation standards in respect of an “acceptable teacher education program”, and, in particular, the following requirements:

- a) completion of 48 credit/semester hours as required by Bylaw 2.1.02(a);
- b) an “acceptable” practicum of at least ten weeks’ duration, recognized by an accredited university and supervised by that university’s Faculty of Education and under the supervision of one or more school advisors who are certified in the jurisdiction in which the practicum takes place, as required by Policy P2.01.1; and
- c) comparable to a teacher education program in British Columbia as required by Bylaw 2.A.01(b)?

Issue 3: Is the Appellant entitled to an exemption under Bylaw 2.1.02(d) from the requirement to complete an acceptable teacher education program and be required to complete only a ‘familiarization program’?

THE ONUS AND STANDARD OF PROOF

[51] It is the position of the Director that the onus of proof falls to the Appellant on the balance of probabilities to prove that he meets the certification standards. Throughout his submissions and correspondence, the Appellant takes the contrary position and argues that it is for the Director to obtain relevant information deemed to be incomplete.

[52] The wording of section 30 of the Act makes it clear that the onus of satisfying the Director that the applicant has satisfied the requirements to be issued a certificate falls to the applicant.

s.30 (1) Subject to subsections (2) and (3) the director of certification may issue a Certificate of qualification or an independent school teaching Certificate, as applicable, to an applicant who

(c) satisfies the director of certification³⁴ of the following requirements:

(i) the person meets

(A) the certification standards in respect of a Certificate of qualification, or

(B) the independent school teaching Certificate standards in respect of an independent school teaching Certificate;

³⁴ Underlining that of the Panel

(ii) the person is of good moral character and is otherwise fit and proper to be issued a Certificate of qualification or an independent school teaching Certificate.

[53] On the plain meaning of section 30, it is for the Appellant to show that he is qualified to be eligible for certification. It is not for the Director to do so. Neither is it the duty of the Director to show that he is not qualified. The onus squarely falls to the Appellant to show that he has satisfied the requirements of the Act. The onus does not change simply because this matter is on appeal.

[54] The Supreme Court of Canada in *F.H. v. McDougall*, 2008 SCC 53, considered the standard of proof to be applied in civil matters and concluded, at paragraph 49;

[49] In the result, I would reaffirm that in civil cases there is only one standard of proof and that is proof on a balance of probabilities. In all civil cases, the trial judge must scrutinize the relevant evidence with care to determine whether it is more likely than not that an alleged event occurred.³⁵

[55] The Supreme Court of Canada is the ultimate authority on the law in Canada. Its rulings are binding on all courts and tribunals in Canada, including this one. It therefore falls to the Appellant to prove to the Panel, on the balance of probabilities, that he is more likely than not to be eligible for a certificate.

Issue 1: Has the Appellant met the academic preparation standards, and, in particular, the three credit/semester hours of French

³⁵ Underlining that of the Panel

literature coursework required by Bylaw 2.J.02 (a) and Policy P2.J.02 (a)?

- [56] Bylaw 2.J.02(a) requires that an applicant must have completed a minimum of 6 credit/semester hours or equivalent of undergraduate English or French course work. Policy P2.J.02(a) requires these courses to be taken in the language in which the applicant wishes to teach. The Appellant wishes to teach in the French language. Policy P2.J.02(a) further specifies that three of these hours must be in Literature.
- [57] The Director says that the Appellant has not provided satisfactory proof of completion of three credit/semester hours of French Literature at the post-secondary level. The Appellant points out that much of his education has been completed in French and that should satisfy the Director. He also argues that this requirement for both French Composition and French Literature should be fully satisfied by the significant amount of research and writing that he has done during his education.
- [58] In his submissions the Appellant does not directly address the issue of French Literature which is the outstanding requirement, composition credit having already been granted. Further, as we have earlier explained, it is not the duty of the Director to examine the actual content of the courses taken by the Appellant to see if their content satisfies the French Literature requirement. It is for the Appellant to show that they do.
- [59] In her Reconsideration Decision the Director was careful to address the Appellant on the distinction between composition and literature by advising him that “an acceptable literature course examines the works of select writers that include poets, novelists, short story writers and dramatists from various historical periods

and cultures. The course also looks at the distinctive forms and language that may apply in each type of literary work.”³⁶

[60] A careful search of the documents the Appellant submitted does not reveal any credits/semester hours for the study of French Literature other than academic texts written in French. Nor has he provided any evidence that the texts he has read are French Literature.

[61] The Panel finds that the Appellant has not met the Professional Certificate requirements of Bylaw 2.J.02(a) and Policy P2.J.02(a)(i).

[62] The Director fairly concedes that if this was the only certification standard not met by the Appellant, consideration could be given to whether a Conditional Professional certificate be issued under Bylaw 2.J.02(d). Therefore, our analysis must now turn to the other issues identified by the Director.

Issue 2: Has the Appellant satisfied the professional preparation standards in respect of an “acceptable teacher education program”, and, in particular, the following requirements:

- a) completion of 48 credit/semester hours as required by Bylaw 2.I.02(a);**
- b) an “acceptable” practicum of at least ten weeks’ duration, recognized by an accredited university and supervised by that university’s Faculty of Education and under the supervision of one or more school advisors who are certified in the jurisdiction in which**

³⁶ Exhibit 8, Tab B, p. 6

- the practicum takes place, as required by Policy P2.01.1; and**
- c) comparable to a teacher education program in British Columbia as required by Bylaw 2.A.01(b)?**

[63] We must first consider whether the Appellant has completed an “acceptable teacher education program.” The Director submits that a teacher education program is comprised of a coordinated course of study described within the Act, its Bylaws, and Policies. Conversely, the Appellant says that within the various courses taken in three different programs and at three different times, (his teaching License in History and his pedagogy courses in 1987, his CAAS in 2000, and his Masters Degree in Education in 2007), there are sufficient courses to satisfy an acceptable teacher education program.³⁷

[64] A “teacher education program” is not defined (although it is frequently referred to) in the Bylaws or Policies. However, the Bylaws and Policies are replete with instructions as to what comprises an acceptable teacher education program within the certification regime. For example: criteria for determining whether teacher education programs of any faculty of education satisfy requisite academic standards for the issuances of certificates of qualification³⁸, and for students, the number of required credits, mandatory course content, practicums etc. necessary to achieve certification.

³⁷ Exhibit 6, p.25

³⁸ A "teacher education program" offered in British Columbia must be approved by the BC Teachers' Council: Policy P2.I.01(a). The criteria set out in Policy P5.C.04 show that a "program" is assessed as a whole, having regard to the resources of the institution (library, personnel, and research) as well as its content, including a requirement to address "throughout the program philosophical, ethical, and societal concerns" in certain specified areas. Further, the institution must have "a process to continuing review of its teacher education program in order that it can initiate changes or respond appropriately to changes arising from curricular, research, society, and government policy directions".

- [65] The panel does not accept that a “teacher education program” may be reasonably interpreted to mean a collection of courses ‘stitched’ together from different degrees or diplomas over a course of 20 years. An interpretation that permitted a number of courses from different programs to be aggregated and does not require completion of a coordinated course of study, would effectively result in differing standards between those students who complete a teacher education program in B.C. (that is approved in accordance with Policy 5) and those applicants who complete their professional training out of province. In turn, this would not ensure that all teachers have achieved the same basic qualifications. It is the Panel’s view that such an interpretation is incompatible with the Act, its Bylaws, and Policies, as a certification regime.
- [66] The phrase “teacher education program” must be interpreted in a way that is compatible with and makes sense with the whole of the certification regime. It is the Panel’s view that the phrase, “teacher education program” may reasonably be interpreted to mean a program that offers a coherent, coordinated, and sequenced plan of learning aimed at providing the student with the necessary pedagogical knowledge and skills to undertake teaching assignments in B.C. schools.
- [67] The Appellant has completed three programs, which he relies on to meet the requirement of a teacher education program: his Teaching License in History, the CAAS, and his Masters degree in Education. The Panel must now determine whether any of them are acceptable teacher education programs.
- [68] The Director concedes that the teaching license obtained by the Appellant in Lebanon (his undergraduate degree in History and his Studies at the Faculty of Pedagogy) is a teacher education program and that the license obtained by the Appellant certifies him as a teacher in public and private schools in Lebanon.

[69] The CAAS (Certificat d'Aptitude à l'Administration Scolaire) and the Masters in Education do not qualify as acceptable teacher education programs within the meaning of the bylaws and policies. In the CAAS program, the Appellant chose the 'Head of School' option. An entrance requirement of this program is that the candidate hold the position of Head of School. Clearly this program is designed as 'post graduate' education for persons who have already achieved the position of school principal. The program is focussed on school administration and management and thus does not meet the above requirements.

[70] The Master's Degree in Education is an academic course and also does not meet the professional requirements of a teacher education program. The fact that this degree would be acceptable to Canadian universities as a prerequisite to another academic degree has no bearing on whether the Masters in Education is an acceptable teacher education program within the Act, its Bylaws and Policies.

[71] We find that the *License* is the degree which most closely resembles a program dedicated to teaching prospective teachers the art and science of teaching students. However, for the *License* to be an acceptable teacher education program it must comply with the requirements of Policy 2.1.0:

To be considered acceptable, a basic Teacher Education program shall either:

- (a) be a program offered at a British Columbia post secondary institution and approved by the BC Teachers' Council, or
- (b) if outside British Columbia, be a program which
 - (i) is offered at a post-secondary institution acceptable to the Teacher Regulation Branch, and
 - (ii) satisfies the requirements of Bylaw 2.1.02, and

(iii) has resulted in a certificate being granted in the jurisdiction in which the teacher education program was completed.

[72] The Director says there are three reasons why the Appellant's Teaching License in History is not an acceptable teacher education program:

- (a) the program did not meet the requirement of 48 credit/semester hours under Bylaw 2.1.02(a)
- (b) The curriculum did not include courses in all areas of study as specified under Bylaw 2.1.02(b); and
- (c) The curriculum does not include an acceptable teaching practicum as required by Bylaw 2.1.02(a)(i) and Policy P2.1.01.1

[73] First, the Evaluator has given the Appellant comparable credit of approximately 17 semester credits³⁹ for courses within the *License* program. The Bylaw requires 48 credit/semester hours. This leaves a deficit of 31 semester/credit hours of teacher education. Therefore, the License program does not meet the requirements of 48 credit/semester hours specified by the bylaw.

[74] Second, a comparison of the *License* courses taken by the Appellant⁴⁰ with that of the teacher education program's minimum course requirements reveals that the *License* does not include courses in all areas of study as specified by Bylaw 2.1.02(b). The courses accredited by the evaluator included:

- (a) History of Pedagogical doctrines,
- (b) History of Contemporary Pedagogy,
- (c) Psychopedagogy of Children and Adolescents,
- (d) Psychopedagogy: Adolescence and School Difficulties,

³⁹ Exhibit 8, Tab Z, p.141

⁴⁰ Exhibit 9, Tab O

- (e) General and Specialized Didactics, and
- (f) Round Table on the Didactics of History and Geography.

[75] Bylaw 2.I.02(b) requires that the teacher education program must also include courses in:

- (i) Human development and learning,
- (ii) Educational foundations (history, philosophy, sociology), curriculum and instruction),
- (iii) Curriculum and instruction in the applicable teaching area(s)
- (iv) Diagnosing and providing for the educational needs of individual students,
- (v) Evaluation and testing.

[76] While the six courses accredited to the Appellant may touch on some of the requirements of Bylaw 2.I.02 (b), they do not fully satisfy the requirements dictated by the Bylaw such as curriculum and instruction, evaluation and testing.

[77] Moreover, it is clear to us from our reading of the Appellant's transcripts that his course of professional educational studies does not comply with the requirements of Policy P5.C.03.1(iii)(4) which mandates that a teacher education program:

- (4) Have content which recognizes the diverse nature of our society and which addresses throughout the program philosophical, ethical and societal concerns with specific attention to the following areas:
 - (a) English as a Second Language (ESL)
 - (b) First Nations
 - (c) Gender Equity
 - (d) Multiculturalism and Racism

- (e) Students with Special Needs
- (f) Sexual Orientation, Homophobia, and Heterosexism
- (g) Poverty and Social Deprivation
- (h) Religion and Religious Intolerance
- (i) The Immigrant Experience
- (j) Violence and Bullying.

[78] The Panel can find no evidence that the Appellant successfully took and completed any of these courses, nor does he maintain that he did.

[79] Third, the Director maintains the License does not include an acceptable teaching practicum as required by Bylaw 2.1.02(a)(i) which refers the reader to an “Acceptable teaching practice is defined in Policy P2.1.01.2.”

[80] An acceptable practicum is necessary to fulfill the requirements of Policies P2.1.01.1 and P2.1.01.2 which must both be satisfied to meet the criteria for a Certificate of Qualification.

[81] In answer to the Appellant’s first, third, and reconsideration application the Director found that the Appellant had not done a practicum in accordance with the standards. As a result, the Appellant was informed that he must complete a practicum (although this was modified from twelve weeks to eight in the reconsideration decision). The Appellant disputes that he has not completed a practicum and says that he has proven the existence of “4 years of practicum and

teaching experience during my studying”⁴¹ and there was a long period of practicum and experience supervised by universities.⁴²

THE TEACHING LICENSE 1987

[82] The *License d’Enseignement* - Teaching License was obtained in Lebanon after four years of study in history. According to his transcript⁴³ the Appellant took courses exclusively in History with the exception of two courses in French and Arabic grammar. The History degree was supplemented by a course of study at the Faculty of Pedagogy for which he has been accredited as previously mentioned. There is no evidence in the transcripts from his History degree or his studies at the Faculty of Pedagogy that he did a practicum.

[83] In the Appellant’s resume under the title Professional Experience (Beirut, Lebanon) the Appellant wrote that from 1986 to 1988 he was a Social Science Professor at College de la Providence –Dora-complementary school. Evidence that he was employed as a teacher is further contained in the Attestation from the Union of Teachers, dated June 16, 2004 stating that “Mr. Sabbagh has taught, without interruption, from October 1986 to June 2004” and goes on to say that from 1986-1988 he was a “Teacher at the College de la Providence in Dora, Bourj Hammoud, Complementary grade.”⁴⁴ That he was actually teaching is also confirmed by an Attestation from the Ministry of Education stating that Mr. Sabbagh was mentioned on the Teachers List at Providence college from 1986-1987.⁴⁵ We were unable to find any evidence that a formal practicum was part of the Appellant’s Teaching License. The evidence indicates that he was employed as a part time teacher while he was completing his Teaching License (his academic undergraduate history degree).

⁴¹ Exhibit 2, p. 6

⁴² Exhibit 2, p. 4

⁴³ Exhibit 9, Tab J, pp. 5-6

⁴⁴ Exhibit 9, Tab K

⁴⁵ Exhibit 2, p. 3

[84] P5.C.03(b) makes it very clear that being employed at a school makes it impossible for that experience to qualify as a practicum. In fact, the policy strictly disqualifies the Appellant's experience from being classified as a suitable practicum as a practicum can only be done in a school that is "free from conflict of interest between the practicum student and any staff at the school, including that the school has not previously employed and does not currently employ the practicum student in any capacity". Therefore, as the Appellant was employed by the school in which he says he did a practicum, his time there does not qualify as a practicum within the meaning of the Policy.

DIPLOMA OF ADVANCED STUDIES completed in 1989

[85] In an Attestation from the Lebanese University, Faculty of Letters and Human Sciences,⁴⁶ Riad Kassen writes that the duration of the studies to complete a D.E.S. is two years after obtaining the Teaching License: the first year is comprised of 4 credits of theoretical value; the second year requires a written thesis which is defended before a jury.⁴⁷ The Appellant completed the program in 1989. There is no evidence of a practicum forming part of the Diploma of Higher Education.

CERTIFICATE IN SCHOOL ADMINISTRATION (CAAS) completed in 2000

[86] The Appellant submits he also completed a suitable practicum while doing his *Certificat d'Aptitude à l'Administration Scolaire* (CAAS). This is a Certificate program in School Administration. To be eligible for the course the candidate must satisfy two conditions:

⁴⁶ Exhibit 9, Tab P

⁴⁷ Exhibit 9, Tab O

- a. hold a university degree at the level of a Bachelor of Education degree (Bac+4) in one of the subjects listed in the Lebanese secondary-level education,
- b. hold the position of Head of School

[87] The Secretary General of Saint Joseph University⁴⁸ described the studies leading to the CAAS as spread over a two-year period consisting of eight sessions of individual weeks of study consisting of intensive six-day courses, six hours a day.

[88] “However, it should be specified that this training, which takes place during employment – since it is reserved for Principals and Heads of schools in office, goes beyond the scope of the sessions. Indeed, the training draws heavily on the students’ experience acquired in their institutions, which is considered to be their field of experience or practicum”. (Underlining by the Panel). A review of the curriculum of the CAAS taken by the Appellant does not indicate that a practicum formed part of the CAAS. The bare statement that the training drew on the candidate’s field of experience or practicum does not mean that the Appellant completed an acceptable practicum. Such a ‘practicum’, based on experience, is not compliant with policy regarding an acceptable practicum.

[89] The current certification process requires that transcripts and other documentary evidence from third parties be directly sent from the institution to the Branch.

[90] We cannot find any evidence or information from third parties to show the Appellant has completed an acceptable practicum or any practicum at all. The Appellant has asserted that “during the 3rd and 4th year of *License d’Enseignement* and during the two years of *Certificat d’Aptitude* there was a long period of practicum and experience supervised by universities”. No transcript reveals a practicum and there is no attestation from a supervisor that

⁴⁸ Exhibit 9, Tab G

an acceptable practicum was completed. The Appellant's claim, without evidence to support it, does not satisfy us that he completed an acceptable practicum. To accept a candidate's assertion that a requirement has been satisfied without evidence would undermine the integrity of the certification process.

Issue 3 Is the Appellant is entitled to an exemption under Bylaw 2.1.02(d) from the requirement to complete an acceptable teacher education program and be required to complete only a 'familiarization program'?

[91] Bylaw 2.1.02(d) must be read within the context of the entire policy. Of particular importance to understanding (d) are the preceding subsections (a) and (b).

[92] Bylaw 2.1.02(a) requires an applicant to have successfully completed a teacher education program acceptable to the Teacher Regulation Branch. The Appellant's teacher education credits do not total the 48 hours required.

[93] Bylaw 2.1.02(b) again speaks to the requirements of an acceptable teacher education program. Bylaw 2.1.02(c) only applies where the applicant has completed 30 hours of teacher education and then mandates that the deficiencies must be made up. The Appellant has not acquired 30 credit/semester hours of teacher education.

[94] Bylaw 2.1.02(d) permits an Applicant to complete a 'familiarization program' under limited circumstances.

When an applicant for a certificate of qualification does not have a teacher education program similar in philosophy to a B.C. teacher education program or does not have 1.5 years of equivalent experience in an education system similar in philosophy to the B.C. public education system, the applicant shall

be required to successfully complete an approved program of study as outlined in Policy P2.1.02(d) before a Certificate of qualification may be granted.

- [95] Several points should be noted. A reading of the whole of Policy 2.1.02 and particularly (a), makes it clear that the Applicant must first have successfully completed a teacher education program acceptable to the Teacher Regulation Branch. P2.1.02 (a) uses the imperative “must” and therefore (d) must mean that any applicant is required to have acquired proof of completion of the acceptable teacher education program before an exemption to a teacher education program is possible. The familiarization program is only available if the philosophy of the Applicant’s teacher education program is not similar to that in B.C.
- [96] The Appellant has not successfully completed an acceptable teacher education program and therefore the issue of philosophy of programs is purely moot.
- [97] It is clear that the purpose of Bylaw 2.1 is to ensure that all teachers who come from jurisdictions outside B.C. have the requisite background to be class room ready to teach British Columbian children.
- [98] In her Reconsideration Decision the (former) Director determined that the Appellant was required to complete only a familiarization program.
- [99] The Appellant is not eligible for such an exemption because he has not completed an acceptable teacher education program. As the Appellant has not completed an acceptable Teacher Education Program nor has he offered any evidence that the Catholic educational system in which he has been teaching is comparable to the BC public educational system, he is not eligible under Bylaw 2.1.02 (d) for an exemption.

[100] To summarize, we find that the Appellant has not completed a university level French Literature course as required. We also find that the Appellant has not completed an acceptable teacher education program. The courses that he has taken as part of his teaching license that are comparable to some of the teacher education curricula taught in B.C. have been credited to him at approximately 17 hours leaving him short by just over 30 hours. Further there is no evidence that he has completed a practicum as required. Prior to eligibility for a certificate, these requirements must be satisfied.

CONCLUSION

[101] For all of the reasons given, the Panel has concluded that the Appellant has not met the certification standards required by s.30 of the Act, Bylaw 2, and Policy 2, nor is he entitled to an exemption. Therefore, the Appellant is not eligible for a Certificate of Qualification.

The Panel dismisses the Appellant's appeal accordingly.

For the Panel

Date: August 29, 2019



Teresa Mitchell-Banks, Q.C.,
Panel Chair



Matthew Cooke,
Panel Member



Susan Wilson,
Panel Member