



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

**AND**

**IN THE MATTER CONCERNING**

**NEIL STEWART HOLMES**

██████████

**CONSENT RESOLUTION AGREEMENT**

BETWEEN:

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

AND:

NEIL STEWART HOLMES  
(“Holmes”)

**BACKGROUND and FACTS**

1. Holmes held a valid Professional Certificate of Qualification, No. ██████████. It was issued by the B.C. College of Teachers under the *Teaching Profession Act* on September 21, 2006, is valid from September 1, 2006, and was continued under the *Teachers Act* as of January 9, 2012. His Certificate of Qualification was cancelled on November 1, 2022 for non-payment of fees.
2. On May 14, 2021, the Commissioner suspended Holmes’ certificate under section 50(2) of the *Teachers Act*.
3. At all material times, Holmes was employed as a secondary school teacher by School District No. 68 (Nanaimo Ladysmith) (the “District”) at a District school (the “School”).
4. On February 26, 2021, the District made a report to the Commissioner regarding Holmes, under section 16 of the *School Act*.

5. Student A graduated from the School in June 2014. Student A did not have Holmes as a classroom teacher, but knew Holmes as a teacher on call (“TOC”). Shortly after graduation, Holmes contacted Student A through Facebook. Holmes and Student A began using Facebook Messenger where they exchanged messages and photographs of a sexual nature. At one point, Holmes sent Student A a photograph of his classroom, indicating that this was a place where he would like to have sex with Student A.
6. Student B graduated from the School in June 2015. In April or May 2015, Student B located Holmes’ profile on Tinder and messaged him. Holmes, knowing Student B was a student at the School, began exchanging text messages with Student B. These text messages included communication from Holmes of a sexual nature. In June 2015, before Student B graduated from the School, Holmes sent Student B two sexually explicit photos of himself.
7. In July 2016, Student B posted a warning on Facebook that not all teachers at the School were good people. Holmes’ name was attached to the post. Holmes responded to Student B by requesting that the post be removed, or he would contact the police.
8. Student C graduated from the School in June 2015. Student C did not have Holmes as a classroom teacher, but Student C did have Holmes as a TOC when Student C was in Grade 9 and was also acquainted with Holmes through School sports. Between February and April 2016, when Student C was 18 years old, they exchanged text messages, which included communication of a sexual nature by Holmes.
9. The District placed Holmes on paid leave from February 16, 2021, until June 30, 2021. As of July 1, 2021, Holmes was on unpaid leave from the District. On January 7, 2022, Holmes resigned from the District, effective January 5, 2022.
10. On September 28, 2021, the Commissioner considered this matter and determined to propose a consent resolution agreement to Holmes, in accordance with section 53(1)(a) of the *Teachers Act*.

## CONSEQUENCES

11. This Agreement is made under section 53 of the *Teachers Act*.
12. Holmes 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. Holmes admits that the facts set out in paragraphs 1 to 9 of this Agreement are true.

14. Holmes admits that the conduct described in paragraphs 5 to 8 of this Agreement constitutes professional misconduct and conduct unbecoming and is contrary to Standards #1 and #2 of the *Standards for the Education, Competence and Professional Conduct of Educators in British Columbia* (Fourth Edition, January 2012).
15. Holmes agrees that for a period of fifteen years from the Effective Date, the Director of Certification (the “Director”) will be required not to issue to him, a certificate of qualification, an independent school teaching certificate or any other authorization to teach in the kindergarten to grade 12 education system, under section 64(g) of the *Teachers Act*, or any successor legislation.
16. In determining that a fifteen-year ban on reissuance of a certificate or other authorization is an appropriate consequence, the Commissioner considered the following factor:
  - a. Holmes failed to maintain teacher-student boundaries by engaging in inappropriate communication of a sexual nature with current and former students.
17. Holmes 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.

## **EFFECT OF THE AGREEMENT**

18. The Director will record the terms of this Agreement on the Ministry of Education’s online registry under section 79(d) of the *Teachers Act*.
19. Holmes 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: [teacherregulation.gov.bc.ca](http://teacherregulation.gov.bc.ca).
20. Notification of this Agreement will be made in accordance with section 55 of the *Teachers Act*.
21. If Holmes applies for a certificate of qualification, an independent school teaching certificate, or other authorization to teach in the kindergarten to grade twelve education system after expiry of the period set out in paragraph 15, it is agreed, without limiting any other power of the Director to determine Holmes’ fitness and suitability to be granted a certificate of qualification, independent school teaching certificate or letter of permission, that the Director may consider:
  - a. the facts set out and admitted in this Agreement;


- b. any document or other evidence gathered or prepared by the Branch in any investigation of this matter; and
  - c. any evidence of breach by Holmes of one or more terms of this Agreement.
22. Holmes 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 Haida Gwaii, B.C.  
this July day of 11th, 2023.

Signed in Coquitlam, B.C.  
this 19th day of July, 2023.



Neil Stewart Holmes



Ana R. Mohammed, Commissioner