

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF TEACHERS**

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

PETER DES BRISAY

NOTICE OF HEARING

THE INVESTIGATION COMMITTEE OF THE ONTARIO COLLEGE OF TEACHERS, pursuant to section 26, subsection (5) of the *Ontario College of Teachers Act, 1996* (the "*Act*"), Statutes of Ontario, 1996, chapter 12, has directed that the matter hereinafter described regarding the conduct or actions of Peter Des Brisay, Certificate No. 105826, be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Peter Des Brisay is guilty of professional misconduct as defined in the *Act* in that:

- (a) he failed to strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity and ethical standards of the teaching profession, contrary to Section 13 of the Regulation made under the *Teaching Profession Act* ("*TPA Regulation*");
- (b) he failed to show consistent justice and consideration in all his relations with pupils contrary to subsection 14(d) of the *TPA Regulation*;

- (c) he failed to concern himself with the welfare of his pupils while they were under his care, contrary to subsection 14(f) of the *TPA Regulation*;
- (d) he failed to comply with Section 235(1)(c) of the *Education Act*, R.S.O. 1980, c. 129 and amendments thereto;
- (e) he failed to comply with section 264(1) of the *Education Act*, R.S.O. 1990, c. E.2, and amendments thereto;
- (f) he committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Peter Des Brisay (the “Member”) is a member of the Ontario College of Teachers. At all material times the Member held an Ontario Teacher’s Certificate.
2. At all material times, the Member was employed by the Ottawa-Carleton District School Board, formerly known as the Carleton Board of Education (the “Board”), as a teacher at [XXX] School (the “School”) in [XXX], Ontario.
3. From in or about September 1990 to January 1996, Student 1 was a female student at the School.
4. From in or about October 1990 to January 1996, the Member engaged in an inappropriate relationship with Student 1 including;
 - (a) allowed Student 1 to call the Member by his nickname;
 - (b) engaged in inappropriate conversations with Student 1 including discussing topics such as sex, masturbation and/or sexually transmitted diseases;
 - (c) shared personal details of his private life with Student 1;

- (d) drove Student 1 in his personal vehicle;
 - (e) spent time alone with Student 1 [XXX] and/or training, including over the summer and on weekends;
 - (f) allowed Student 1 to spend time at his home and/or cottage;
 - (g) told Student 1, "You're beautiful but you don't realize it" or words to that effect;
 - (h) told Student 1 in or around winter 1992 that she was the most beautiful girl at the school or words to that effect;
 - (i) told Student 1 in or around the 1991-1992 academic year that she was his best friend, or words to that effect;
 - (j) told Student 1 that when she turned [XXX] years old, adult men would consider her "fair game" or words to that effect;
 - (k) gave Student 1 items of his clothing to wear;
 - (l) gave Student 1 clothing including [XXX] and/or [XXX] that he had had made for her;
 - (m) arranged to accompany Student 1 and [XXX] to the [XXX] in [XXX] as a volunteer coach;
 - (n) in March 1993, accompanied Student 1 and [XXX] to the [XXX] in [XXX] as a volunteer coach;
 - (o) appeared angry when Student 1 dated male students.
5. In or around the spring of 1995 when Student 1 was a student in the Member's [XXX] class the Member:

- (a) asked Student 1 what grade she wanted for a [XXX] project;
 - (b) gave Student 1 the grade she requested for the [XXX] project without her completing the project.
6. In or around the summer of 1991 to in or around January 1996, the Member:
- (a) hugged Student 1;
 - (b) in or around summer of 1991, gave Student 1 a pair of [XXX] which partially exposed her buttocks and [XXX] behind her while she was wearing the [XXX];
 - (c) in or around January or February 1993, while in the School hallway, showed Student 1, while wearing a heart rate monitor, that his heart rate would increase when he thought about her wearing her new [XXX];
 - (d) in or around March 1993, while at the [XXX], massaged Student 1 while she was naked including touching her buttocks and/or breasts;
 - (e) in or around March 1993 at the [XXX], while in the Member's hotel room and while the Member and Student 1 were clothed, the Member:
 - (i) pressed down on Student 1's buttocks while she lay on top of him;
 - (ii) pushed his erect penis into Student 1's pelvis;
 - (iii) kissed Student 1;
 - (f) in or around the 1993 to 1994 academic year, the Member pulled Student 1 into the School weight room and touched her body and/or kissed her;

- (g) in or around October or November 1993, while in a hotel room at the [XXX], the Member massaged Student 1's bare legs;
 - (h) on one or more occasions in or around May 1995 to January 1996, the Member;
 - (i) kissed Student 1;
 - (ii) touched Student 1's body with his hands;
 - (iii) removed Student 1's clothing;
 - (iv) kissed Student 1's breasts;
 - (i) on one or more occasions in or around July 1995 to January 1996, the Member engaged in oral sex with Student 1;
 - (j) on one or more occasions in or around July 1995 to January 1996, the Member engaged in sexual intercourse with Student 1.
7. In or around January 1996 to January 1997, the Member engaged in a sexual relationship with Student 1 including:
- (a) sending sexually graphic email correspondence to Student 1, including from his Board email account;
 - (b) engaging in sexually graphic telephone calls with Student 1;
 - (c) engaging in sexual intercourse, oral sex, and/or other forms of sexual touching with Student 1.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 of the *Act* to decide whether the allegations are true and whether Peter Des Brisay is guilty of professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* (the “*Rules of Procedure*”) will be provided upon request and is also available on the College’s website.

THE DISCIPLINE COMMITTEE WILL HEAR THIS MATTER on a date to be determined after consultation between College Counsel and you or your counsel and fixed by the Tribunals Office.

IF A DATE FOR THE HEARING AND/OR THE FORMAT OF THE HEARING ARE NOT AGREED UPON, THE DISCIPLINE COMMITTEE WILL CONVENE TO DEAL WITH THE PROCEDURAL MATTER OF SETTING A DATE FOR THE HEARING. The set date hearing will be held in-person on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario or will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22 (the “*SPPA*”).

YOU ARE ENTITLED TO BE PRESENT WHEN THE COMMITTEE CONVENES TO SET A DATE FOR THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. IF YOU DO NOT ATTEND BEFORE THE COMMITTEE TO SET A HEARING DATE, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET A HEARING DATE. NOTICE OF THE HEARING DATE SET BY THE COMMITTEE WILL BE PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. The hearing will be held in-person on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario or will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *SPPA*.

IF YOU DO NOT ATTEND ON THE SCHEDULED HEARING DATE, IN ACCORDANCE WITH ANY DIRECTION FROM THE TRIBUNALS OFFICE WITH RESPECT TO THE MANNER OF PARTICIPATION, THE DISCIPLINE COMMITTEE MAY PROCEED WITH AN IN-PERSON HEARING OR ELECTRONIC HEARING IN YOUR ABSENCE AND YOU WILL NOT BE PROVIDED WITH ANY FURTHER NOTICE OF PROCEEDINGS.

IF YOU BELIEVE THAT AN ELECTRONIC HEARING OR ELECTRONIC SET DATE HEARING IS LIKELY TO CAUSE YOU SIGNIFICANT PREJUDICE, you must notify the Tribunals Office at 101 Bloor Street West, Toronto, Ontario, M5S 0A1, telephone 416-961-8800. The Discipline Committee will then determine whether the hearing will proceed electronically or not.

IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY of professional misconduct, you are liable to the penalties set out in section 30 of the *Act*.

A MEMBER whose conduct is being investigated in proceedings before the Discipline Committee may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing. You or your representative may contact the office of Caroline Zayid of McCarthy

Tétrault LLP, solicitor for the College in this matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416-601-7768.

Date: June 16, 2021

Registrar's Signature

Dr. Derek Haime, OCT
Registrar and Chief Executive Officer
Ontario College of Teachers
101 Bloor Street West
Toronto, ON M5S 0A1

TO: Peter Des Brisay
[XXX][XXX]
AND TO: Kastner Lam LLP
55 University Avenue, Suite 1800
Toronto, ON M5J 2H7

Emily Lam, Solicitor for the Member

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