



March 15, 2016

Ref: #20146

0955802 BC Ltd
201 – 8322 130th Street
Surrey BC V3W 8J9

Attention: Navtej Bains, Director
Amarjit Mann, Director

Dear Mr. Bains and Mr. Mann:

Re: 488 Carroll Street, Vancouver BC

Further to my letter dated December 10, 2015 concerning failure to comply with an order of the director under the *Residential Tenancy Act* (the “Act”).

I am writing to notify you that I have reviewed the material submitted by Sterling Property Management Ltd. on behalf of 0955802 BC Ltd. (the “Landlord”), and I am satisfied that the Landlord failed to comply with a decision or order of the director.

I have therefore decided to order the Landlord to pay a monetary penalty under section 94.1(b) of the Act. This letter constitutes notice of this order as required by section 94.21 of the Act.

In particular, I am satisfied that the Landlord failed to comply with the order of the director dated July 02, 2015 (Residential Tenancy Branch file no. 834911). The order specified that Landlord was given until September 30, 2015 to retain a licensed radiant heating professional to determine if the radiant heater could be re-installed and if that professional determined that it was not possible, the Landlord was to purchase and install an electric radiant heater.

The Landlord submitted absolutely no documentation to show that they had retained a licensed professional to inspect the unit and the heater as they were ordered to do. The Landlord’s position appears to be that because tenant told them that he is “happy with his portable heater and would like to remain in his current room,” they are released from their obligation to comply with the order. However, the fact that the tenant has said

this does not release the landlord from this obligation. The obligation to repair the heating system as specified in the order remains.


I have set the amount of the administrative penalty at \$5000.00. This amount was determined based on the guidelines outlined in the Administrative Penalties Policy Guideline. The guideline allows a larger penalty to be levied, as a monetary penalty may be imposed for each day the contravention continues. However I have decided to set the amount at a lower sum. This amount is payable to the Minister of Finance. Please submit the payment to:

Residential Tenancy Branch
PO Box 9844 Stn Prov Govt
Victoria BC V8W 9T2
Attention: Mr. Greg Steves, Executive Director

Section 35 of the Residential Tenancy Regulation states that an administrative penalty must be paid within 60 days after the date of the notice.

According to section 94.3 of the Act you have the right to apply to the Director for a review of the matters set out herein. Division 2 of Part 5 of the Act applies to any such review.

Yours truly,

A handwritten signature in black ink, appearing to read 'Greg Steves', with several loops and flourishes.

Greg Steves
Executive Director