

This policy guideline is intended to help the parties to an application understand issues that are likely to be relevant. It may also help parties know what information or evidence is likely to assist them in supporting their position. This policy guideline may be revised and new guidelines issued from time to time.

This policy guideline addresses the publishing of Administrative Penalties on the Residential Tenancy Branch Website.

A. LEGISLATIVE FRAMEWORK

Under section 9(5) of the Residential Tenancy Act (RTA) and the Manufactured Home Park Tenancy Act (MHPTA) the director has power to publish or otherwise make public decisions, orders or penalty payment status or provide summaries of them.

B. PUBLISHING OF ADMINISTRATIVE DECISIONS

Purpose

The purpose of publishing administrative penalties on the Residential Tenancy Branch website is to act as a deterrent for those contravening the act and to ensure accountability. Publishing these decisions also ensures transparency of the Compliance and Enforcement Unit decisions.

Published Information

Published information will include the name of the person or business the penalty has been issued to, the nature of the contravention, and the amount of the penalty. A copy of the decision will also be posted, but any personal information of a third-party will be redacted prior to posting.

When an administrative penalty has been levied, the Compliance and Enforcement Unit will wait 15 days prior to posting the decision, as the party may apply for a review consideration. For decisions that go to judicial review the published decisions will be removed if the decision is overturned by the Supreme Court.

Published administrative penalty decisions will be reviewed every five years, if the party has paid their penalty and has not continued to contravene the relevant sections of the Act, the published administrative penalty will be removed from the website. Penalty decisions that remain on the website after 5 years will be reviewed annually to determine if the penalty continues to be outstanding. In cases where the penalty has been paid after the initial 5-year period and the party has otherwise been in compliance with the Act, the published decision will be removed. If the party has not paid the penalty or has continued to contravene the act, the published administrative penalty decision will remain on the website indefinitely.

C. CHANGES TO POLICY GUIDELINE

Section	Change	Notes	Effective Date
All	New	New Policy Guideline	2020-06-29

Change notations

am = text amended or changed

del = text deleted

new = new section added