Notice of Administrative Monetary Penalty and Reasons for Decision

File # CEU_2024_12653
June 11, 2026

Ae Ja (Gloria) Shin
[redacted]

Via **Email and Process Server**

To: Ae Ja (Gloria) Shin (Respondent),

Full Summary of Administrative Monetary Penalty

Name of Respondent: Ae Ja (Gloria) Shin (Date of birth: [redacted]
Rental Property: [redacted] (rental property)
Date of Penalty Issued: June 10, 2026
Administrative Monetary Penalty: $7,700.00
Contraventions under the Residential Tenancy Act (Act):

1. **Matter 1:** On May 21, 2024, the Respondent provided false or misleading information in a dispute resolution proceeding. Based on my finding that the Respondent provided false or misleading evidence in a dispute resolution proceeding, I am issuing an administrative monetary penalty in accordance with section 87.3(1)(c) of the Act.

2. **Matter 2:** On June 28, 2024, the Respondent provided false or misleading information in a dispute resolution proceeding. Based on my finding that the Respondent provided false or misleading evidence in a dispute resolution proceeding, I am issuing an administrative monetary penalty in accordance with section 87.3(1)(c) of the Act.

3. **Matter 3:** On September 11, 2024, the Respondent provided false or misleading information in a dispute resolution proceeding. Based on my finding that the Respondent provided false or misleading evidence in a dispute resolution proceeding, I am issuing an administrative monetary penalty in accordance with section 87.3(1)(c) of the Act.

Outcome of the Investigation: A one-time administrative monetary penalty in the amount of $3,600.00 related to Matter 1, a one-time administrative monetary penalty in the amount of $2,700.00 related to Matter 2, and a one-time administrative monetary penalty in the amount of $1,400.00 related to Matter 3, for a total administrative monetary penalty of $7,700.00.

The Compliance and Enforcement Unit (CEU) initiated an investigation upon receipt of an internal complaint raised through a Residential Tenancy Branch (RTB) Dispute Resolution Manager. Pursuant to section 87.1 of the Act, an investigation commenced on July 10, 2024.

The Respondent was provided with an Opportunity to be Heard dated September 12, 2025, and an amended OTBH dated February 27, 2026, in accordance with section 87.3(2) of the Act.

Administrative Monetary Penalties are issued to promote compliance only after all other attempts to gain compliance have failed. The Respondent's compliance history and the seriousness of the contravention were considered when determining a one-time or continuing penalty.

Under the authority provided by Part 5.1 of the Act, the Director of Compliance and Enforcement ordered a total administrative monetary penalty of $7,700.00 on June 11, 2026.

The administrative monetary penalty is due on **August 10, 2026.**

Notice of Administrative monetary penalty

This letter is notice to you, Ae Ja (Gloria) Shin, that based on my analysis of the evidence, I hereby order that you are subject to three (3) one-time administrative monetary penalties against you in the amount of $3,600.00 related to Matter 1, $2,700.00 related to Matter 2 and $1,400.00 related to Matter 3, for a total administrative monetary penalty of $7,700.00. I make this order pursuant to section 87.3(1)(c) of the *Residential Tenancy Act*, based on my finding that you provided false or misleading information in dispute resolution proceedings on three separate occasions.

Contravention or failure to which the penalty relates.

In accordance with section 87.3(1) of the Act, the director may order a monetary penalty if satisfied that a person has provided false or misleading information in a dispute resolution proceeding or an investigation.

On July 10, 2024, in accordance with section 87.1 of the Act, the CEU commenced an investigation into the allegations against the Respondent.

On August 22, 2024, based on the evidence before me, the Respondent was provided with a formal Notice of Investigation served in accordance with the Act that included information regarding the allegations, the applicable sections of the Act, and information about potential consequences for deliberate contraventions of the Act.

On August 29, 2025, I received an Investigation Report recommending penalties against the Respondent for three matters concerning false or misleading information under section 87.3(1)(c). Matter 2 is properly characterized as a misrepresentation of knowledge, rather than an omission. The particulars of each allegation are as follows:

Matter 1: For allegedly providing false or misleading information in the May 21, 2024, Dispute Resolution Process by omitting material evidence concerning Provincial Court Enforcement Orders which may result in administrative penalties in accordance with section 87.3(1)(c) of the Act.

Matter 2: For allegedly providing false or misleading information in the June 28, 2024, Dispute Resolution Process by omitting material evidence concerning Provincial Court Enforcement Orders which may result in administrative penalties in accordance with section 87.3(1)(c) of the Act.

Matter 3: For allegedly providing false or misleading information by submitting cancelled orders as evidence in the September 11, 2024, Dispute Resolution Proceeding which may result in administrative penalties in accordance with section 87.3(1)(c) of the Act.

The investigator made recommendations for administrative penalties of $3,600.00 for Matter 1, $2,700.00 for Matter 2 and $1,400.00 for Matter 3 for a total administrative penalty of $7,700.00.

Based on the Investigation Report I note that the Investigator considered all allegations against the Respondent cited in the complaint as well as additional concerns which arose in the investigation, however, she has confined her submissions and recommendations for administrative monetary penalties based on evidence she suggests may constitute contraventions concerning the Respondent providing false or misleading information in Dispute Resolution Proceedings. As such, the focus of this decision will center on those allegations.

Opportunity to Be Heard, Procedural Fairness and Service

Notice of Investigation:
The Respondent was issued a Notice of Investigation dated August 22, 2024, which was served by email and registered mail. Delivery of the registered mail was confirmed on August 27, 2024. The Notice of Investigation outlined the allegations under review, the relevant provisions of the Act, and the potential consequences, including the imposition of administrative monetary penalties (AMPs).

Opportunity to Be Heard:
Pursuant to section 87.3(2) of the Act and sections 33(2) and 33(3) of the *Residential Tenancy Regulation* (the "Regulation"), the Respondent was provided with multiple opportunities to be heard.

The Respondent was first provided with an Opportunity to Be Heard (OTBH) dated September 12, 2025. The OTBH package included the Investigation Report and all supporting materials, the administrative penalty assessments prepared by the Investigator, and Residential Tenancy Branch Policy Guideline 41 (Administrative Penalties). A deadline of October 13, 2025, was provided for written submissions. The September 12, 2025, OTBH stated two allegations concerning the provision of false or misleading information in a dispute resolution proceeding on May 21 and June 28, 2024, and one allegation of contravening section 44.1 of the Act by issuing a 10-day notice to end tenancy on May 2, 2024, when the requisite grounds to do so did not exist.

The Respondent provided written submissions on September 30, 2025, and October 13, 2025. In the September 30, 2025, correspondence, the Respondent indicated that they were out of the country. The Respondent acknowledged receipt of the OTBH materials but did not request an extension of time. On October 2, 2025, the Respondent was expressly provided with an additional opportunity to request an extension; no such request was made.

Following further review of the investigation materials, it was determined that the Investigator had errored by recommending penalties in relation to an alleged contravention of section 44.1 of the Act in relation to the service of a notice to end tenancy. The issue was that the alleged contravention took place on May 2, 2024, and section 44.1 of the Act had not come into force until May 16, 2024. In addition, due to an unintentional administrative error, certain additional extraneous records had been omitted from the original disclosure. As a result, in the interests of administrative fairness, an amended

OTBH dated January 8, 2026, was issued. That notice was sent by email through the secure file transfer system (SFTS) and registered mail was not accessed or retrieved. Based on the evidence and supporting materials before me, the Respondent was advised that I was considering three allegations of providing false or misleading information on May 21, June 28 and September 11, 2024, and that the allegations of a contravention of section 44.1 no longer formed a part of my consideration.

A further amended OTBH dated February 27, 2026, was then issued and steps were taken to facilitate personal service through a process server. This amended notice clarified the allegations under consideration and enclosed additional disclosure materials (Appendix G), ensuring that the Respondent had a complete record of the evidence being considered. It also confirmed that three allegations of providing false or misleading information pursuant to section 87.3(1)(c) of the Act were under consideration and that AMPs totaling $7,700 were being contemplated.

The amended OTBH again provided the Respondent with a period of 21 days from deemed service to make submissions and to provide any evidence they wished to be considered before a final decision was made.

Service Attempts and Non-Engagement:
The evidence establishes multiple attempts to affect service on the Respondent across different stages of this proceeding, including service by email, registered mail, and repeated attempts at personal service by a process server.

Multiple attendances were made at the Respondent's last known address in March 2026. The process server confirmed the Respondent's name was listed in the building directory but received no response to buzzer attempts. Telephone and email messages were also left requesting that the Respondent arrange for delivery, with no response received.

On March 30, 2026, access to the building was obtained, attendance was made at the Respondent's unit, and upon receiving no response, the documents were served by posting a sealed envelope containing the OTBH package to the door of the unit.

The Respondent demonstrated the ability to receive and respond to earlier communications but did not engage with the amended OTBH or respond to service attempts.

Finding on Service and Non-Engagement:
I find that the Respondent was served with the OTBH and amended OTBH materials in accordance with section 88 of the Act and section 43 of the Regulation.

I further find that the Respondent's failure to engage occurred despite multiple methods of service and clear notice of the consequences of non-participation.

Considering the totality of the evidence, I find that the Respondent did not avail themselves of the additional opportunities to be heard.

Opportunity to be Heard and Procedural Fairness Conclusion:
I find the Respondent received adequate notice and multiple opportunities to respond. Despite proper service through email, registered mail, and process server attempts, the Respondent chose not to engage with amended notices. I am satisfied that procedural fairness requirements have been met.

Accordingly, I am satisfied that I may proceed pursuant to section 34 of the Regulation to make a determination based on the evidence before me.

Background:
Based on the uncontested evidence before me, on August 21, 2021, the Respondent entered into a written tenancy agreement with M.A. and A.I. (collectively, "Tenant 1") for the rental property. The tenancy was a fixed-term agreement commencing September 1, 2021, and ending August 31, 2022, with monthly rent of $2,900.00. Tenant 1 paid a security deposit of $1,450.00 and a pet damage deposit of $1,450.00, for a total of $2,900.00.

Although the tenancy was for a fixed term, it ended early on January 31, 2022. There is no evidence before me explaining why the tenancy ended prior to the agreed end date.

During and following the tenancy, Tenant 1 made two applications for Dispute Resolution Services (DRS). The first application filed September 2, 2021, alleged that the Respondent failed to provide access to the rental unit for four days at the beginning of the tenancy. That application resulted in a monetary order issued March 9, 2022, in favour of Tenant 1 in the amount of $486.66.

The second DRS application, filed April 17, 2022, sought the return of the security deposit and pet damage deposit. That application resulted in a further monetary order issued June 2, 2022, in favour of Tenant 1 in the amount of $5,900.00.

In the interim, the Respondent entered into a new tenancy agreement with different tenants, A.A and M.V. ("Tenant 2"), commencing March 1, 2022, and ending March 1, 2023. This tenancy provided for monthly rent of $2,900.00, with a security deposit and pet damage deposit totaling $2,900.00. The parties subsequently entered into a further fixed term beginning March 1, 2023, and ending February 29, 2024, with rent set at $2,958.00 per month. On February 25, 2024, the Respondent issued a rent increase of 3.48%, increasing the rent to $3,061.00 effective June 1, 2024.

Following issuance of the DRS monetary orders, Tenant 1 took steps to enforce those orders through the Provincial Court of British Columbia. Tenant 1 provided evidence, which I accept, that both monetary orders were served on the Respondent along with demand letters outlining payment instructions. When payment was not made, Tenant 1 initiated enforcement proceedings.

Tenant 1 obtained summonses for payment hearings scheduled for September 27, 2022, in relation to the March 9, 2022, monetary order, and October 4, 2022, in relation to the June 2, 2022, monetary order. Tenant 1 stated, and the evidence supports, that the Respondent was served with these materials both personally at her residence and by email. The Respondent did not attend either hearing.

Tenant 1 subsequently applied for and was granted an order by the court for substitutional service, allowing service by email and text message using contact information provided by the Respondent. The evidence confirms that the matters relating to both monetary orders were treated together by the Provincial Court.

Tenant 1 advised the Investigator, and I accept their evidence, that the Respondent was served electronically with notice of a further payment hearing scheduled for January 3, 2023. The Respondent failed to attend that hearing, and a warrant was issued for her arrest on January 3, 2023. The warrant was executed on February 6, 2023, and the Respondent was remanded to appear the following day.

On February 7, 2023, the Respondent experienced a medical issue at the courthouse and was transported to hospital. The evidence includes a Certificate of Service confirming that a Deputy Sheriff served the Respondent at the hospital with a court order requiring her to attend Provincial Court on March 23, 2023.

The Respondent failed to attend the March 23, 2023, hearing, and a further warrant was issued for her arrest.

Court records indicate that the Respondent was subsequently arrested on January 4, 2024, and brought before the court for a payment hearing. At that time, the court ordered the Respondent to pay $599.18 in relation to the first monetary order and $6,107.19 in relation to the second monetary order, with a deadline of January 18, 2024. That order was personally served on the Respondent by a Deputy Sheriff following the hearing, and she was also ordered to attend court again on February 5, 2024.

The evidence further establishes that the Respondent was served electronically on January 8, 2024, with notice of the February 2024 court appearance. The Respondent did not make the required payments by January 18, 2024.

On February 5, 2024, the Respondent failed to attend court as ordered, and a further warrant for her arrest was issued.

The Respondent was arrested and brought to court on April 11, 2024. On that date, she did not ultimately appear before the court. The evidence indicates that Tenant 1 was granted short leave to proceed with a garnishment application scheduled for April 15, 2024, and was ordered to serve the Respondent with the relevant materials by April 12, 2024. The court ordered that the Respondent be released, with her signature dispensed on the order following an appearance on warrant form and scheduled a further payment hearing for May 13, 2024.

Tenant 1 provided evidence, which I accept, that the Respondent was served electronically on April 12, 2024, with the garnishment materials. The garnishment order required Tenant 2, as garnishee, to pay rent directly to the court rather than to the Respondent until the outstanding debt to Tenant 1 was satisfied.

On May 2, 2024, Tenant 2 paid $780.19 and $2,177.81, totaling $2,958.00, to the court, representing the full monthly rent for May. The Respondent did not attend the May 13, 2024, payment hearing. The court directed that Tenant 2 continue to pay rent into court until the outstanding debt was paid in full.

CEU Investigation:
On June 28, 2024, the Compliance and Enforcement Unit (CEU) received an internal complaint from a manager within Dispute Resolution Services (DRS). The complaint alleged that the Respondent may have provided false or misleading information during a DRS proceeding, specifically in relation to the May 21, 2024, Direct Request application.

Following receipt of the complaint, CEU Compliance Officer (CO) R.C. conducted preliminary inquiries. These inquiries included separate interviews with the Respondent and Tenant 2, as well as an initial review of the relevant DRS file materials.

Based on the information obtained during the preliminary stage, the matter was escalated to Senior Compliance and Enforcement Investigator R.D. ("SI R.D."), who assumed conduct of the investigation in early August 2024. After reviewing the materials from the May 21, 2024, Direct Request proceeding, as well as related DRS processes, SI R.D. identified additional concerns regarding the Respondent's statements during the June 28, 2024, Review Consideration proceeding.

On August 22, 2024, SI R.D. issued a formal Notice of Investigation to the Respondent. The notice outlined the nature of the allegations, including potential contraventions of the Act, provided information regarding compliance obligations, and advised of the potential consequences of deliberate contraventions.

On January 30, 2025, SI R.D. departed the CEU and conduct of the investigation was transferred to Senior Investigator A.H. (the "Investigator"). The Investigator reviewed the materials gathered during the preliminary inquiries and the work completed by SI R.D., and conducted additional analysis of related DRS proceedings, including those arising from the tenancy involving Tenant 1. The Investigator subsequently completed an Investigation Report dated August 29, 2025, which included a summary of the evidence, analysis, and recommendations regarding administrative monetary penalties.

Preliminary Interviews
On July 10, 2024, the CO interviewed the Respondent by telephone. The Respondent advised that she was unaware of the garnishing order until her attendance at the courthouse on April 11, 2024, at which time she experienced a medical episode and was transported to hospital. She stated that due to this event she did not understand or become aware of the garnishment.

The Respondent further stated that after issuing the May 2, 2024, 10 Day Notice to End Tenancy for unpaid rent, Tenant 2 provided her with a copy of the garnishing order by text message. When asked why she continued with the eviction process after receiving that information, the Respondent stated that she had contacted the Residential Tenancy Branch and understood that court matters were separate from RTB processes, which she interpreted as permitting her to proceed with a rent-based application. She also indicated that the situation caused her significant stress.

On July 18, 2024, the CO interviewed Tenant 2. Tenant 2 provided evidence indicating that:

- The Respondent was aware of the garnishing order and had failed to attend multiple payment hearings;
- The Respondent had been required to attend court and had been arrested in relation to those proceedings;
- The Respondent had been served with court documents on April 11, 2024;

- An agreement had been executed on April 14, 2024, requiring rent to be paid directly to the court; and
- The Respondent had previously issued notices to end tenancy, including a rescinded two-month notice and a subsequent notice under dispute.

Tenant 2 also indicated that while the Respondent used a translator in proceedings, she was able to communicate in English during the tenancy.

Direct Request Application and Review Process

On May 21, 2024, the Respondent submitted a Direct Request application seeking an order of possession and a monetary order for unpaid rent. In support of her application, the Respondent provided documentary evidence including a tenancy agreement, the May 2, 2024, 10 Day Notice, proof of service, financial records, and related RTB forms.

On May 28, 2024, an adjudicator granted the application based on the submitted materials, issuing both an order of possession and a monetary order in the amount of $3,058.00.

Tenant 2 subsequently applied for Review Consideration. In support of that application, Tenant 2 provided evidence that included:

- receipts showing rent payments made directly to the court;
- court orders dated April 15, 2024; and
- a garnishing order filed April 12, 2024.

On May 31, 2024, a Review Consideration was granted on the basis that the order of possession and monetary order may have been obtained by fraud, and the original orders were suspended pending a hearing.

The record also includes evidence that the Respondent contacted RTB Information Services on May 29, 2024, and June 3, 2024. During those calls, the Respondent sought information regarding enforcement of the May 28, 2024, orders and, upon learning of the Review Consideration, inquired about rent obligations and the evidence submitted by Tenant 2.

On June 9, 2024, the Respondent uploaded additional materials in advance of the Review Hearing, including a letter requesting payment for use and occupancy.

Review Hearing and Subsequent Proceedings

The Review Hearing was held on June 28, 2024. The Respondent attended with her son, who served as an interpreter. Tenant 2 attended, and Tenant 1 provided evidence as a witness.

During the hearing, the Respondent maintained that she was unaware of the garnishing order until May 2, 2024, when Tenant 2 advised her that rent would be paid to the court. Tenant 2 provided evidence that the Respondent was aware of the court proceedings and had been compelled to attend through enforcement measures.

The arbitrator determined that the threshold for fraud had been established and cancelled the May 28, 2024, orders, finding they had no force or effect. The arbitrator expressly cautioned the Respondent that any attempt to rely on or enforce those orders could constitute fraud and referred the matter to the CEU.

On June 30, 2024, the Respondent applied for review of the June 28, 2024, decision, alleging new evidence, procedural error, and mischaracterization of facts. That application was dismissed.

Further Interview and Language Proficiency Inquiry
On November 22, 2024, SI R.D., with the assistance of Senior Investigator J.S. (fluent in Korean – the first language of the Respondent), conducted a further interview with the Respondent. The Respondent reiterated that she was unaware of the garnishing order, attributed her lack of understanding to medical distress, and maintained that she would not have issued the eviction notice had she known of the garnishment.

She also asserted that Tenant 2 should have disputed the eviction notice rather than pursuing review of the orders.

Both SI R.D. and the Investigator noted concerns regarding the Respondent's apparent language limitations. While the Respondent used an interpreter in DRS proceedings, evidence suggested she was able to communicate effectively in English in other contexts.

The Investigator obtained records from the Land Title and Survey Authority and the British Columbia College of Nurses and Midwives, which indicated that the Respondent is a registered nurse and had previously met professional English language proficiency requirements, including completing training and examinations in English. The Investigator concluded that the Respondent possessed sufficient English proficiency, and that language limitations did not reasonably explain the discrepancies identified in her statements.

Investigator's Assessment
Based on the evidence gathered, the Investigator identified multiple discrepancies between the Respondent's statements and the documentary record, particularly in relation to her asserted lack of knowledge of the garnishment proceedings and related court orders. The Investigator questioned the credibility of the Respondent's explanations and concluded that the evidence did not support her assertions of lack of awareness or misunderstanding.

Submissions in response to the Opportunity to be Heard:
In response to the Notice of Opportunity to be Heard, the Respondent sent two emails dated September 30, 2025, and October 13, 2025.

In the email dated September 30, 2025, the Respondent advised that is she was currently out of the Country and then provided the following submission:

"On April 11, I think what happened there was that I was unconscious in the adjacent courtroom, and that I was eventually taken to a hospital by paramedics called in via 911. Therefore, I do not have the best account of what happened at court on April 11.

Furthermore, I have been planning to move into the rental property at [redacted] because of my two sons with medically diagnosed chronic mental health issues. I believe that I had made these points clear during the previous investigation."

As noted above, upon learning that the Respondent was out of the Country, she was notified that she could request additional time for submissions if required. She was advised to make the request in writing along with evidence that she was out of the Country.

The email dated October 13, 2025, consisted of 3 attached images and the following additional submissions:

"Here are photos taken from [redacted] as proof, and my electronic plane tickets.

I did not know anything about the OTBH until [redacted] pointed out a box of documents regarding the OTBH being left in the hallway [redacted] he did not know when or how that box even managed to arrive, especially without any notice. [redacted]

[redacted]

With regards to my court appearance on April the 11th, the onus is on [redacted] to testify and provide supporting evidence. In particular, if there is any positive evidence concerning the notification and serving of a garnish order or an application order for me prior to the 10-day notice having had been served, I would like to know about it.

Also, in response to the claim that I intentionally misled anyone with my 10-day eviction notice, I acted based on my bank statements demonstrating the absence of rent payments; such statements would act as a negative evidence of rent."

Reasons for decision:

Background and Chronology
The Respondent was subject to two RTB monetary orders issued March 9, 2022 ($486.66) and June 2, 2022 ($5,900.00). These were final and binding and were served in accordance with the Act.

Enforcement proceedings in Provincial Court followed, including payment hearings, substitutional service, arrest warrants, and multiple arrests of the Respondent. I rely on the documented service history and enforcement proceedings outlined above.

On April 15, 2024, a garnishment order required rent to be paid to the court. Tenant 2 complied with that order.

When the Respondent failed to comply, Tenant 1 pursued enforcement through the Provincial Court of British Columbia. The evidence establishes that those enforcement proceedings extended over a prolonged period and included repeated payment hearings, orders compelling attendance, substitutional service orders, arrest warrants for non-attendance, and multiple arrests of the Respondent.

I accept the evidence that the Respondent was repeatedly served with court materials in accordance with Provincial Court rules, including personal service, service by Deputy Sheriffs, and substitutional service by email and text message. Despite this, the Respondent failed to attend multiple hearings, resulting in escalating enforcement action.

On April 12, 2024, the Respondent was served with materials relating to a garnishment application. On April 15, 2024, the court ordered that rent payable by the tenant be paid to the court to satisfy the Respondent's outstanding debt. I accept that rent was subsequently paid in accordance with that order.

On May 2, 2024, Tenant 2 advised the Respondent that rent would be paid to the court pursuant to the garnishment order. The Respondent responded that she would proceed with eviction the same day and issued a 10 Day Notice to End Tenancy for unpaid rent.

Central Issue

The central issue is whether the Respondent knew, or ought to have known, of the garnishment when providing information in the May 21, 2024, application, the June 28, 2024, hearing, and the September 11, 2024, proceeding when:

- issuing the May 2, 2024, notice to end tenancy;
- submitting the May 21, 2024, Direct Request application;
- participating in the June 28, 2024, review hearing; and
- submitting materials in the September 11, 2024, proceeding.

This issue is determinative of whether the Respondent provided false or misleading information within the meaning of section 87.3(1)(c) of the Act.

Credibility Assessment

Credibility is central to the determination of all three allegations. I have assessed credibility based on consistency, plausibility, and alignment with the contemporaneous documentary record.

The Respondent asserted, in various forms, that she was unaware of the garnishment proceedings or did not understand their significance. I do not accept these assertions.

The Respondent's position is inconsistent with:

- the volume and duration of enforcement proceedings;
- repeated service of court materials through multiple methods;
- the fact that the Respondent was compelled to attend court through arrest;
- the service of court documents on April 11, 2024, including while in the custody of the Sheriffs; and,
- the May 2, 2024, communication in which the tenant explicitly advised that rent would be paid to the court.

The Respondent’s explanations also shifted over time, from denial of knowledge to partial acknowledgment of awareness after May 2, 2024. This internal inconsistency further reduces the reliability of her evidence.

Given the extent of court involvement and repeated enforcement action, I find it implausible that the Respondent lacked awareness of the garnishment proceedings. I find that she was, at minimum, actually aware of those proceedings, and in any event, clearly ought to have been aware of them.

I have considered the Respondent's submissions and do not accept them. The statements are inconsistent with extensive court proceedings, repeated service, arrest history, and the May 2, 2024, communication.

I also note evidence of the Respondent’s English proficiency, which does not support her assertions of misunderstanding.

I prefer the contemporaneous documentary evidence and assign minimal weight to the Respondent’s explanations.

Matter 1 – May 21, 2024, Direct Request Application

The issue in Matter 1 is whether the Respondent provided false or misleading information by omitting material evidence of the garnishment order and court-directed rent payments.

The omission was material. The Direct Request application was based on an allegation of unpaid rent. At the time of the application, the court had ordered that rent be paid to the court, and the tenant was complying with that order. That information was directly determinative of whether rent was legally owing and whether the Respondent had grounds to issue a 10 Day Notice and seek possession.

I find that the Respondent knew, or at minimum ought to have known, of the garnishment order at the time she made the application. This finding is supported by the service of court materials in April 2024, the Respondent’s prior involvement in enforcement proceedings, and the May 2, 2024, communication from the tenant.

I reject the Respondent’s explanation that the omission was inadvertent or due to misunderstanding. Given the surrounding circumstances, including her decision to proceed with eviction immediately after being advised of the garnishment, I find that the omission was knowing and deliberate.

I find the Respondent knowingly omitted material evidence of the garnishment. The omission was deliberate and directly affected the outcome.

I reject any suggestion that RTB advice reasonably permitted proceeding without disclosing the court order.

Accordingly, I find on a balance of probabilities that the Respondent knowingly provided false or misleading information in the May 21, 2024, Direct Request application.

Matter 2 – June 28, 2024, Review Hearing

The issue in Matter 2 is whether the Respondent provided false or misleading information by misrepresenting her knowledge of the court proceedings during the review hearing.

At the hearing, the Respondent initially denied knowledge of the proceedings and later asserted limited awareness only after May 2, 2024. These statements are inconsistent with the established evidence of prolonged enforcement proceedings, repeated service, and compelled court attendance.

For the reasons set out in my credibility assessment, I find that the Respondent's statements were not credible and were contradicted by the objective record.

The Respondent's knowledge was a material issue at the hearing, as it bore directly on whether her earlier omission was deliberate and whether the initial order had been improperly obtained. By misrepresenting her knowledge, the Respondent attempted to minimize the appearance of intentional conduct and influence the arbitrator's assessment.

I find the Respondent misrepresented her knowledge of court proceedings. This misrepresentation was material and intended to influence the decision maker.

Accordingly, I find on a balance of probabilities that the Respondent provided false or misleading information during the June 28, 2024, Review Hearing.

Matter 3 – September 11, 2024, Proceeding

The issue in Matter 3 is whether the Respondent provided false or misleading information by submitting orders that had been cancelled.

The evidence establishes that the May 28, 2024, order of possession and monetary order were cancelled following the June 28, 2024, Review Hearing and had no force or effect at the time of the subsequent proceeding.

The Respondent participated in the review process that resulted in the cancellation. I therefore find that she knew, or ought reasonably to have known, that the orders were no longer valid.

While the evidence does not establish with the same degree of certainty that the Respondent intended to mislead as in Matter 1, I find that the submission of cancelled orders reflects, at minimum, a reckless disregard for the accuracy of information being provided.

Although the impact on the subsequent proceeding appears more limited, the conduct nonetheless introduced inaccurate and potentially misleading information into the record. That is sufficient to engage section 87.3(1)(c).

I find the Respondent submitted cancelled orders, which were known or ought to have been known to be invalid. This constitutes misleading information within section 87.3 of the Act, regardless of whether the conduct was deliberate or reckless.

Accordingly, I find on a balance of probabilities that the Respondent provided misleading information in the September 11, 2024, proceeding.

Pattern of Conduct and Appropriateness of Administrative Penalties
The three matters demonstrate a clear progression of conduct:

- A deliberate omission of material information in a written application;
- A misrepresentation when that omission was scrutinized; and
- The continued use of inaccurate information in a subsequent proceeding.

This pattern reflects repeated failures by the Respondent to provide accurate and complete information when engaging with DRS Proceedings.

The Respondent's conduct reflects a progression of deliberate omission, misrepresentation, and continued reliance on inaccurate information across distinct proceedings over time.

It also created a real risk of wrongful eviction and financial prejudice to the tenant.

This conduct undermines the integrity of the dispute resolution process.

I find that AMPs are warranted in this case to denounce the conduct, to deter similar conduct, and to protect the integrity of the statutory dispute resolution system.

Conclusion before quantum analysis:

I find that AMPs are warranted. I will now determine the appropriate quantum of penalty for each matter, taking into account the nature, seriousness, and cumulative effect of the conduct.

Amount of Penalty

RTB PG41 explains that the purpose of the guideline is to set out the policy framework and assessment criteria ordinarily used by the director in deciding whether to impose an AMP ("administrative penalty"), and, if an AMP is imposed, to determine the amount of the penalty.

The Guideline includes an Assessment Guideline at Appendix A, which the Director of the Compliance and Enforcement Unit (DCEU) may use to generate a score to guide their decisions about the amount of AMP to impose, where warranted. The Assessment Guideline includes a number of factors, which each receive a score. This section provides guidance on how the DCEU may interpret those factors and the criteria the DCEU will usually consider in determining a score for a factor.

The Act requires the DCEU to consider the factors set out below in assessing whether to impose an AMP on the basis of a contravention. To the extent that they are applicable or relevant in a particular matter, the DCEU will assess the factors that I set out below according to the Assessment Guideline. Deviations from the Assessment Guideline may occur when its use is not applicable to or relevant to the circumstances. In some circumstances, the director may decide to deviate from this Guideline.

When considering whether to impose an AMP on a person who has contravened a provision of the Act or the regulations, the DCEU must also consider the following:

- previous enforcement actions for contraventions of a similar nature by the person;
- the gravity and magnitude of the contravention;
- the extent of the harm to others resulting from the contravention;
- whether the contravention was repeated or continuous;
- whether the contravention was deliberate;
- any economic benefit derived by the person from the contravention;
- the person's efforts to correct the contravention.

RTB PG41 stipulates that an AMP may be imposed for each day a contravention or failure continued or continues. Ordinarily, the DCEU will only impose AMPs for each day of an ongoing contravention or failure to follow a decision or order if the contravention or failure has a current and serious impact on health and safety or, with respect to demands for the production of records, when the failure significantly impedes the investigation.

However, the DCEU may also determine that the totality of the circumstances, including the public interest or the failure of previous AMPs for the same or a similar contravention to achieve compliance, warrants a multi-day penalty.

PG41 further states that where an AMP is being considered for providing false or misleading information, the director may consider those statutory factors that are relevant and applicable.

Assessment Factors

RTB PG41 sets out a formula to assist in determining the amount of a one-time or continuous administrative penalty.

Amount of Administrative Monetary Penalties

I have reviewed the AMP Assessments prepared by the Investigator for each of the three matters. The Respondent made no submissions on quantum or on whether AMPs should be reduced. I have therefore made my own determination on the appropriate amount of penalty for each matter based on the evidence before me, the Investigator’s analysis, and the statutory framework in section 87.3(2)(b) of the Act.

Although PG41 provides that some of the seven factors may not be applicable in cases involving false or misleading information, I am satisfied that all seven factors are relevant in this case. I also emphasize that each contravention requires a separate assessment. I have therefore considered the evidence and the applicable factors independently for Matter 1, Matter 2 and Matter 3, while also recognizing the broader pattern of conduct reflected across the proceedings.

Matter 1 – May 21, 2024
The Investigator assessed Matter 1 at a total score of 25, which produces a calculated amount of $3,550.00 and a rounded penalty of $3,600.00. I am satisfied that this assessment is reasonable and supported by the evidence.

With respect to previous enforcement actions for similar contraventions, I find there were no prior enforcement actions for providing false or misleading information before the May 21, 2024, Direct Request application. A score of 0 is appropriate for this factor.

With respect to whether the contravention was repeated or continuous, I find the conduct was not repeated before May 21, 2024, but it continued through the Direct Request process until the adjudicator issued the May 28, 2024, decision. The Respondent did not withdraw the application during that period, despite evidence that she had been served on April 12, 2024, with garnishment materials and had been expressly advised by Tenant 2 on May 2, 2024, that rent would be paid into court pursuant to the garnishment order. I therefore find a score of 0 for repeated conduct and 1 for continuous conduct to be justified.

As to gravity and magnitude, this was a serious contravention. The Direct Request process depended entirely on the truthfulness and completeness of the written materials filed by the applicant. The omitted information went directly to whether rent was legally outstanding and whether the Respondent had any lawful basis to seek an order of possession and a monetary order for unpaid rent. By withholding material evidence that rent was being paid to the court under a Provincial Court garnishment order, the Respondent created a real risk that a tenant and the tenant's family could be wrongfully evicted and exposed to duplicate financial liability. The contravention also engaged public interest because misuse of the Direct Request process undermines the fairness, efficiency and integrity of the dispute resolution system. I find the Investigator's score of 10 for gravity and magnitude to be justified.

As to harm, I find the evidence supports a significant but not extreme degree of actual harm. Tenant 2 was required to seek review of the May 28, 2024, decision, incur the filing fee, gather documentary evidence, and participate in further proceedings in order to prevent enforcement of orders that ought not to have been obtained. Tenant 1 was also required to participate as a witness in the review process. In addition, the tenant and the tenant's family were placed at risk of losing housing and being pressed to pay rent twice for May 2024, once to the court and again to the Respondent. I am satisfied that a score of 4 for harm is reasonable.

As to deliberateness, I find this factor strongly aggravating. The documentary record establishes repeated enforcement steps in Provincial Court over an extended period, including service of court materials by multiple methods, court appearances, warrants and arrests, the April 12, 2024, service of garnishment materials, and the May 2, 2024, communication from Tenant 2 confirming that rent would be paid to the court. In these circumstances, I do not accept that the omission was inadvertent or the product of misunderstanding. I find the Respondent knowingly omitted material information in order to advance an application that depended upon a false premise that rent was unpaid. A score of 10 is warranted.

I agree that no economic benefit was ultimately realized because the May 28, 2024, order of possession and monetary order were suspended and later cancelled before enforcement. I also agree that there were no correction efforts. The Respondent did not withdraw the application, correct the record, or otherwise take steps to address the omission. Scores of 0 for economic benefit and 0 for correction efforts are therefore appropriate.

Taking these factors together, I adopt a total score of 25. Applying the PG41 calculation produces $3,550.00, which is appropriately rounded to $3,600.00. In my view, that amount is proportionate to the seriousness of Matter 1 and is necessary to denounce the conduct, deter repetition, and protect the integrity of RTB processes.

Matter 2 – June 28, 2024
The Investigator assessed Matter 2 at a total score of 19, producing a calculated amount of $2,698.00 and a rounded penalty of $2,700.00. I find that assessment to be within a reasonable range and supported by the evidence.

For previous enforcement actions of a similar nature, I accept that by June 28, 2024, there had already been regulatory intervention relating to the May 21, 2024, Direct Request process. The May 28, 2024, orders had been suspended on May 31, 2024, on the basis that they may have been obtained by fraud through the withholding of material information, and the June 28, 2024, hearing arose directly from that concern. In that context, I am satisfied that a score of 1 for prior enforcement action of a similar nature is justified.

For repeated or continuous conduct, I find the evidence supports a repeated, but not continuous, contravention. During the June 28, 2024, Review Hearing, the Respondent first denied awareness of the Provincial Court proceedings related to the garnishment orders. When the question was clarified, the Respondent then asserted that she learned of court proceedings only after the May 2, 2024, text from Tenant 2. Those statements were distinct representations made during the same hearing and each was contradicted by the objective record, including the September 15, 2022 emailed summons to a payment hearing, the documented January 4, 2024 court appearance, the April 12, 2024 emails serving garnishment materials, and the records showing arrests and service by Deputy Sheriffs and Peace Officers. A score of 2 for repeated conduct and 0 for continuous conduct is appropriate.

As to gravity and magnitude, I find Matter 2 is serious, although less grave than Matter 1. The June 28, 2024, hearing was convened to determine whether the earlier orders had been obtained through fraud. The Respondent's knowledge of the Provincial Court proceedings was therefore a central issue. Misrepresenting that knowledge had the potential to mislead the arbitrator on a question that went directly to intent and credibility. At the same time, the risk created by Matter 2 was somewhat narrower than in Matter 1 because the hearing was participatory and there was an opportunity for the tenant and witness to respond. I am satisfied that a mid-range score of 5 for gravity and magnitude reasonably reflects those circumstances.

As to harm, I find the actual harm was modest but real. Tenant 2 was required to attend and fully participate in the review hearing to respond to the Respondent's misrepresentations and to protect the tenancy. The hearing imposed additional time and effort on the tenant and family. A score of 1 for harm is appropriate.

Deliberateness is again a significant aggravating factor. At the outset of the hearing, the Respondent affirmed an obligation to tell the truth. Despite that, she maintained a version of events that was inconsistent with the objective documentary record and with the repeated court enforcement history already described in this decision. I find on a balance of probabilities that the Respondent deliberately misrepresented her knowledge in an effort to minimize the appearance of intentional misconduct in the earlier Direct Request process. The maximum score of 10 for deliberateness is justified.

As with Matter 1, I find no realized economic benefit and no correction efforts. The Respondent did not retract the misstatements during the hearing or otherwise correct the record. Scores of 0 for economic benefit and 0 for correction efforts are appropriate.

Taking these factors together, I adopt a total score of 19. Applying the PG41 calculation produces $2,698.00, which is appropriately rounded to $2,700.00. I am satisfied that this amount is proportionate to the seriousness of Matter 2 and appropriately reflects the material but somewhat more limited impact of the misrepresentation when compared with Matter 1.

Matter 3 – September 11, 2024

The Investigator assessed Matter 3 at a total score of 10, producing a calculated amount of $1,420.00 and a rounded penalty of $1,400.00. I have considered carefully whether a lower or higher amount should be imposed in light of the evidence relating to this matter. In the end, I am satisfied that the recommended amount is reasonable, but I reach that conclusion for reasons that should be stated clearly.

For previous enforcement action of a similar nature, I agree that by the time of the September 11, 2024, proceeding there had already been a formal RTB process addressing materially similar conduct. The May 28, 2024, orders had been cancelled on June 28, 2024, and the Respondent had been expressly warned that the cancelled orders were of no force or effect and that any attempt to enforce them would constitute fraud. A score of 1 for this factor is justified.

For repeated or continuous conduct, I agree that the September 11, 2024, conduct formed part of a repeated pattern across the same tenancy and the same dispute history. By that date, the Respondent had already omitted material information in the May 21, 2024, Direct Request proceeding and had misrepresented her knowledge during the June 28, 2024, Review Hearing. I therefore accept that a score of 3 for repeated conduct is supported. There is no basis to find the September 11, 2024, conduct was continuous and I assign 0 for continuity.

With respect to gravity and magnitude, I find this matter meaningfully less serious than the first two. The Respondent uploaded the cancelled order of possession and monetary order into DMS on August 10, 2024, and labelled them in a way that suggested continued relevance or validity, despite the June 28, 2024, decision stating clearly that they were of no force or effect. That conduct had the potential to mislead the arbitrator and to compromise the accuracy of the record. However, unlike Matter 1, it did not initiate a proceeding, and unlike Matter 2, the evidence does not demonstrate that the Respondent advanced the cancelled orders through oral testimony at the hearing itself. In those circumstances, I find the Investigator's reduced score of 2 for gravity and magnitude appropriately captures the lower seriousness of this contravention.

As to harm, I find there is insufficient evidence of actual harm arising from Matter 3. The evidence indicates that SI R.D. had already issued a Notice of Investigation on August 22, 2024, advising the Respondent that providing false or misleading information could result in administrative penalties. The evidence also indicates that during the September 11, 2024, hearing the cancelled orders were not referred to in testimony. On the record before me, I am not satisfied that the uploaded documents caused measurable harm in the proceeding itself. A score of 0 for harm is therefore appropriate.

The factor of deliberateness requires closer consideration. I agree with the Investigator that the Respondent's conduct was intentional to some degree because the documents were purposefully uploaded after a written warning that they were of no force or effect. However, I also accept that the evidence relating to Matter 3 is not as strong as the evidence relating to Matters 1 and 2 when it comes to proving a clear intention to mislead. In particular, the documents were not expressly relied upon during the hearing, and the evidentiary basis for inferring a specific intention to influence the arbitrator is therefore weaker. In my view, that distinction is already reflected in the Investigator's moderate score of 4 for deliberateness, which treats the conduct as deliberate or, at minimum, reckless as to accuracy, but materially less serious than the maximum-score conduct in Matters 1 and 2. I adopt that score.

I agree that no economic benefit was realized and that there were no correction efforts. The Respondent did not seek to withdraw the documents, advise that they should be disregarded, or otherwise correct the record. Scores of 0 for economic benefit and 0 for correction efforts are appropriate.

Taking these factors together, I adopt a total score of 10. Applying the PG41 calculation produces $1,420.00, which is appropriately rounded to $1,400.00. I am satisfied that this lower amount properly accounts for the diminished evidentiary strength and practical impact of Matter 3, while still recognizing that the conduct formed part of a broader pattern of misleading engagement with RTB processes.

Total Administrative Monetary Penalty (AMP)

Having assessed each matter separately and then considered the cumulative pattern of conduct, I find that the following one-time AMPs are appropriate: Matter 1 – $3,600.00; Matter 2 – $2,700.00; Matter 3 – $1,400.00. The total AMP is therefore $7,700.00.

These amounts fall within a reasonable range, are justified based on the evidence before me, and are proportionate both individually and collectively. They reflect the seriousness of the misconduct, the need for specific and general deterrence, and the importance of protecting the integrity of the statutory dispute resolution process.

Please note that the Act permits separate AMPs of up to $5,000.00 for each day a contravention continues. I am not imposing daily penalties in this case. The penalties ordered are one-time penalties tailored to the three contraventions I have found proved, and I am satisfied that a total AMP of $7,700.00 is sufficient and necessary to promote future compliance.

This total AMP of $7,700.00 is to be made payable to the Minister of Finance by cheque, money order or bank draft. Please submit the payment to:

Scott McGregor
Director, Compliance and Enforcement Unit,
Residential Tenancy Branch
PO Box 9298 Stn Prov Govt
Victoria, BC V8W 9J8

Date by which penalty must be paid

Section 35 of the Regulation states that an AMP must be paid within 60 days after the date of the order. Please send payment of the total AMP of $7,700.00 to my attention at the address noted above by August 10, 2026.

Sections 87.3 (4) through 87.3 (7) of the Act provide opportunities for the director to consider alternatives to enforcing all or part of an AMP. Any request to consider an alternative can be sent to my attention at the address provided above before the payment due date. The request should include your proposal for an agreement including:

- the actions you propose to take,
- the date by when you propose to have completed those actions, and
- the amount by which you propose the administrative monetary penalty be reduced or whether you propose the administrative monetary penalty be cancelled if those actions are completed by that date.

If an agreement is entered into and you fail to complete the required actions by the specified date, the administrative monetary penalty will once again be due and payable.

Right to have Director reconsider the decision imposing the penalty

Under section 87.8 of the Act, you have the right to apply to the director for a review of the matters set out in this notice. Division 2 of Part 5 of the Act applies to any such review. Please note that, as outlined in section 87.8 (4) of the Act, a decision or order of the director may be reviewed only on one or more of the following grounds:

- the person couldn't be heard because of unanticipated circumstances beyond their control;
- the person has new and relevant evidence that was not available before the director imposed the administrative monetary penalty;
- a procedural error materially affected the decision to impose the administrative monetary penalty or the amount of the administrative monetary penalty;
- a technical irregularity or error materially affected the decision to impose an administrative monetary penalty or the amount of the administrative monetary penalty;
- the director did not determine an issue they were required to determine.

An application for review of a decision or order of the director:

- must be made in the approved form and in the manner approved by the director,
- must be accompanied by the fee prescribed in the regulation,
- must be accompanied by full particulars of the grounds for review and the evidence on which the applicant intends to rely, and
- may be made without notice to any other party.

The time limit for filing an application for review is within 15 days after you have received a copy of this decision. In accordance with section 89(3)(d) and (e) of the Act and section 43(4)(b) and 44 of the

Regulation, you will be deemed to have received this decision on the third day after it is emailed. Given your established pattern of avoidance of service, in accordance with section 89(3)(d) and (e) of the Act and section 43(4)(a) of the Regulation you will have been deemed served on the date it is attached to your door. Please note that in accordance with section 5(2) of the Act, this Act and Regulations cannot be avoided and any attempt to do so is of no effect.

Should you wish to exercise this right, complete an Application for Review Consideration of an Administrative Penalty (form #RTB-56). Be sure to clearly indicate the grounds for the review and include all evidence that supports your claim. Submit your application along with the $50.00 filing fee in person at a Residential Tenancy Branch (RTB) office or Service BC location or by mailing the form to the Burnaby RTB office. If you submit the form by mail, ensure it is postmarked by Canada Post staff and sent within the 15-day review period. You may pay the filing fee by sending a certified cheque or money order payable to the Minister of Finance to the Residential Tenancy Branch Office, or by paying in person at the RTB Burnaby Office, or in person at a Service BC Office.

You can find additional information including the Application for Review Consideration of an Administrative Penalty on this webpage: https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/compliance-and-enforcement/enforcement-process

Recovery of AMP

As set out in section 87.9(1) of the Act, an AMP is a debt due to the government. Failure to pay the penalty as ordered will result in the debt being transferred to the Ministry of Finance where interest will accrue and collection action being taken.

In addition, section 59(5)(b) of the Act gives the director the authority to refuse applications for dispute resolution, with respect to any matter, if the applicant owes outstanding fees under this Act to the government.

Sincerely,

Signature On Original

Scott McGregor
Director, Compliance and Enforcement Residential Tenancy Branch
PO Box 9298 Stn Prov Govt
Victoria, BC V8W 9J8
Email:

Enclosed:

Administrative Order
Residential Tenancy Branch Administrative monetary penalty Policy Guideline 41