



Compliance and Enforcement Unit
Residential Tenancy Branch
Office of Housing and Construction Standards

June 30, 2020

CEU File # [REDACTED]

Full Summary of Administrative Penalty

Name of Respondent: Donna Bartell a.k.a. Donna Zulke

Date of Penalty Issued: September 18, 2019

Contraventions under the Residential Tenancy Act (the Act):

- Section 28- Protection of tenant's right to quiet enjoyment
- Section 32- Landlord and tenant obligations to repair and maintain

Outcome of the Investigation:

- 1) An administrative penalty in the amount of \$5,000.00 (Matter #1) and
- 2) An administrative penalty in the amount of \$3,500.00 (Matter #2)

The Compliance and Enforcement Unit received a complaint on May 1, 2019 alleging the respondent was contravening the Act by serving repeated Notices to End Tenancy in bad faith, seriously interfering with the tenant's right to freedom from unreasonable disturbance and failing to comply with an order of the Director. Pursuant to section 87.1 of the Act, an investigation commenced on May 2, 2019.

Matter #1: Over the course of several months the respondent served multiple Notices to End Tenancy in bad faith, all of which were cancelled by the Director of the Residential Tenancy Branch (the RTB). Despite numerous warnings from arbitrators and two monetary orders awarded against the respondent, the respondent continued to serve Notices to End Tenancy that were subsequently cancelled by the Director of the RTB. The cumulative effect on the tenant significantly disrupted the tenant's right to quiet enjoyment. The contraventions identified above have been deliberate and continuous.

Matter #2: The respondent failed to follow an order of the Director to make a repair to the rental unit that seriously and immediately compromised the health and safety of the tenant. A continuous penalty was levied for each day the respondent failed to comply with the Director's order. The landlord affected the necessary repairs only after being notified of the continuous administrative penalty but not until the amount had accumulated for seven days.

Administrative Penalties are issued to promote compliance. 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 one-time and a continuous administrative penalty on September 18, 2019. Both administrative penalties became due on November 18, 2019. [Click here to see full decision.](#)