

Residential Tenancy Branch

Compliance and Enforcement Unit

September 18, 2023

Notice of Administrative Penalty and Reasons for Decision

Full Summary of Administrative Penalty

Name of Respondent: Duart Manning RAPTON (Respondent)

Date of Penalty Issued: September 18, 2023

Contraventions under the *Residential Tenancy Act* (the Act):

- Section 44(1) Ending of a tenancy.
- Section 27(1) Terminating or restricting services or facilities.
- Section 26(3) Rules about payment and non-payment of rent
- Section 30(1) Tenants right of access protected.
- Section 31(1)(1.1) Prohibition on changing of locks and other access.
- Section 28 Protection of tenants right to quiet enjoyment.

Amount of Administrative Penalty: \$17,600.00

Date by which Penalty Must Be Paid: November 17, 2023

On March 2, 2023, the Compliance and Enforcement Unit (CEU) became aware through media reports that the Respondent may have seriously contravened the Act by locking a tenant out from a residential rental property in an attempt to enforce an illegal eviction and in accordance with section 87.1 of the Act, the CEU commenced an investigation.

The evidence provided in the Investigation Report and supporting materials provided evidence that led to a determination that the Respondent deliberately contravened the Act by attempting to end the tenancy by terminating the power on the evening of March 1, 2023. The Respondent then restricted access to the rental unit and prevented the tenant's access to the tenant's personal property. As result of these actions, the landlord ended the tenancy in a manner not supported by section 44(1) of the Act and significantly interfered with the tenant's right and entitlement to quiet enjoyment. Despite being contacted and warned by the CEU on March 2, 2023, the Respondent did not take any steps to correct the contravention and come into compliance with the Act.

Under the authority provide by Part 5.1 of the Act, the Director of Compliance and Enforcement Unit ordered a continuous administrative penalty in the amount of \$3,000.00 for two days between March 2, 2023, and March 3, 2023, for a total of \$6,000.00 for contravening section 44(1), a one-time penalty of \$2,700.00 for contravening section 27(1), a one-time penalty of \$3,900.00 for contravening section 26(3), section 30(1) and section 31(1)(1.1), and a one-time penalty of \$5,000.00 for contravening section 28 against the Respondent, for a total administrative penalty of \$17,600.00.

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