

Delegation of Director's Authority, *Residential Tenancy Act* and *Manufactured Home Park Tenancy Act***DELEGATION MATRIX – March 16, 2012**

RTA Section	MHPTA Section		Director of Corporate Policy and Program Integration	Director of Operations	Team Lead (DRO)	Dispute Resolution Officer	Manager	Supervisor	Senior Information Officer	Information Officer
Director's powers and duties										
9(2)	9(2)	Employees may be appointed under the Public Service Act, and the director may retain other persons, whom the director considers necessary to exercise the director's power and perform the director's duties and functions under this Act	x	x						
9(3)	9(3)	The director may establish and publish rules of procedure for the conduct of proceedings under Part 5 [resolving disputes]	x							
9(5)	9(5)	The director may do one or more of the following: (a) provide information to landlords and tenants about their rights and obligations under the Act	x	x	x	x	x	x	x	x
		(b) help landlords and tenants resolve any dispute in relation to which an application for dispute resolution has been or may be made	x	x	x	x	x	x	x	x
		(c) publish or otherwise make available to the public, decisions under RTA Part 5 or MHPTA Part 6, or summaries of them.	x							
Director's power to delegate to contractors										
9.1(1)	9.1(1)	The director may delegate to a person retained under 9(2) any of the director's powers, duties or functions under this Act, except the power under section 9(3) and the power to delegate under this section.	x							
Director may approve forms										
10(1)	10(1)	The director may approve forms for the purposes of this Act	x							
Order of possession for the tenant										
54(2)	47(2)	The director may grant an order of possession to a tenant under this section before or after the date on which the tenant is entitled to occupy the rental unit or manufactured home site under the tenancy agreement and the order is effective on the date specified by the director.	x	x	x	x				

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Order of possession for the landlord										
55(3)	48(3)	The director may grant an order of possession before or after the date when a tenant is required to vacate a rental unit or manufactured home site, and the order takes effect on the date specified in the order.	x	x	x	x				
55(4)	48(4)	Despite RTA s. 61 or MHPTA s. 54 [setting down dispute for hearing], in the circumstances described in subsection 2(b) [tenant has not disputed notice to end tenancy by making an Application for Dispute Resolution and the time to make the Application has expired], the director may, without holding a hearing: (a) grant an order of possession, and (b) if the application is in relation to the non-payment of rent, grant an order requiring payment of that rent.	x	x	x	x				
RTA Part 5 and MHPTA Part 6– Resolving Disputes: Division 1 – Dispute Resolution Proceedings										
58(2)	51(2)	Except as provided in subsection (4), if the director receives an application under subsection (1), the director must determine the dispute unless: (a) the claim is for an amount that is more than the monetary limit for claims under the Small Claims Act;	x	x	x	x				
		(b) the application was not made within the applicable time period; or	x	x	x	x	x			
		(c) the dispute is linked substantially to a matter that is before the Supreme Court.	x	x	x	x	x			
Starting dispute resolution proceedings										
59(3)		Except for an application referred to in (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.	x	x	x	x				
	52(3)	A person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.	x	x	x	x				

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59(4)	52(4)	The director may waive or reduce the fees if satisfied that (a) the applicant cannot reasonably afford to pay the fee, or (b) the circumstances do not warrant the fee being collected.	x	x			x	x	x	x
59(5)	52(5)	The director may refuse to accept an application for dispute resolution if (a) in the director’s opinion, the application does not disclose a dispute that may be determined under this Part;	x	x	x	x				
		(b) The applicant owes outstanding fees under this Act to the government, or	x	x						
		(c) The application does not comply with subsection (2) • be in the applicable approved form • include full particulars of the dispute, and • be accompanied by the fee prescribed in the regulations.	x	x	x	x				
Setting down dispute for hearing										
61	54	If an application for dispute resolution is properly completed and is accepted by the director, the director must set the matter down for a hearing and, (a) if the hearing is to be oral, specify the date, time and place of the hearing, and	x	x			x	x	x	x
		(b) if the hearing is to be in writing, specify when the written submissions are due.	x	x			x			
Director’s authority										
62(1)	55(1)	The director has authority to determine (a) disputes in relation to which the director has accepted an application for dispute resolution, and (b) any matters related to that dispute that arise under this Act or a tenancy agreement.	x	x	x	x				
62(2)	55(2)	The director may make any finding of fact or law that is necessary or incidental to making a decision or an order under this Act.	x	x	x	x				

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62(3)	55(3)	The director may make any order necessary to give effect to the rights, obligations and prohibitions under this Act, including an order that a landlord or tenant comply with this Act, the regulations or a tenancy agreement and an order that this Act applies.	x	x	x	x				
62(4)	55(4)	The director may dismiss all or part of an application for dispute resolution if <ul style="list-style-type: none"> (a) there are no reasonable grounds for the application or part, (b) the application or part does not disclose a dispute that may be determined under this Part, or (c) the application or part is frivolous or an abuse of the dispute resolution process. 	x	x	x	x				
Opportunity to settle										
63(1)		The director may assist the parties, or offer the parties an opportunity to settle their dispute	x	x	x	x				
63(2)		If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or order	x	x	x	x				
General powers and duties of director										
64(3)	57(3)	Subject to the rules of procedure established under section 9(3) [director's responsibilities], the director may <ul style="list-style-type: none"> (a) deal with any procedural issue that arises, (b) make interim or temporary orders, and (c) amend an application for dispute resolution or permit an application for dispute resolution to be amended. 	x	x	x	x				
64(4)	57(4)	If, in the director's opinion, another tenant of a landlord who is a party to a dispute resolution proceeding will be or is likely to be materially affected by the determination of the dispute, the director may <ul style="list-style-type: none"> (a) order that the other tenant be given notice of the proceeding, and (b) provide that other tenant with an opportunity to be heard in the proceeding 	x	x	x	x				

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RTA Section	MHPTA Section		Director of Corporate Policy and Program Integration	Director of Operations	Team Lead (DRO)	Dispute Resolution Officer	Manager	Supervisor	Senior Information Officer	Information Officer
Director's orders: breach of Act, regulations or tenancy agreement										
65(1)	58(1)	Without limiting the general authority in RTA s. 62(2) or MHPTA 55(3) [director's authority], if the director finds that a landlord or tenant has not complied with the Act, the regulations or a tenancy agreement, the director may make any of the following orders: (b) that a tenant must deduct an amount from rent to be expended on maintenance or a repair, or on a service or facility as ordered by the director; (c) that any money paid by a tenant to a landlord must be (i) repaid to the tenant, (ii) deducted from rent, or (iii) treated as a payment of an obligation of the tenant to the landlord other than rent; (d) that any money owing by a tenant or a landlord to the other must be paid; (e) that personal property seized or received by a landlord contrary to this Act or a tenancy agreement must be returned; (f) that past or future rent must be reduced by an amount that is equivalent to a reduction in the value of a tenancy agreement; (g) that a tenancy agreement may be assigned or a rental unit may be sublet if the landlord's consent has been unreasonably withheld contrary to RTA s. 34(2) or MHPTA s. 28(2) [assignment and subletting].	x	x	x	x				
Director's orders: changing time limits										
66(1)	59(1)	The director may extend a time limit established by this Act only in exceptional circumstances, other than provided in RTA s. 59(3) or MHPTA s. 52(3) [starting dispute resolution proceedings], or RTA s. 81(4) or MHPTA 74(4) [decision on application for review].	x	x	x	x				
66(2)	59(2)	Despite subsection (1), the director may extend the time limit established by RTA s. 46(4)(1) or MHPTA 39(4) [landlord's notice: non-payment of rent] for a tenant to pay overdue rent	x	x	x	x				

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		only in one of the following circumstances: (a) the extension is agreed to by the landlord; (b) the tenant has deducted the unpaid amount because the tenant believed that the deduction was allowed for emergency repairs or under an order of the director.								
Director's orders: compensation for damage or loss										
67	60	Without limiting the general authority RTA s. 62(3) or MHPTA s. 55(3) [director's authority], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.	x	x	x	x				
Director's orders: notice to end tenancy										
68(1)	61(1)	If a notice to end a tenancy does not comply with RTA s. 52 or MHPTA 45 [form and content of notice to end tenancy], the director may amend the notice if satisfied that (a) the person receiving the notice knew, or should have known, the information that was omitted from the notice, and (b) in the circumstances it is reasonable to amend the notice	x	x	x	x				
68(2)	61(2)	Without limiting RTA s. 62(3) or MHPTA 55(3) [director's authority], the director may, in accordance with this Act, (a) order that a tenancy ends on a date other than the effective date shown on the notice to end the tenancy, or (b) set aside or amend a notice given under this Act that does not comply with the Act.	x	x	x	x				
Director's orders: rent increases										
69	62	If the director is satisfied that the circumstances prescribed for the purposes of RTA s. 43(3) or MHPTA s. 36(3) [amount of rent increase] apply, the director may order that a landlord is	x	x	x	x				

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		permitted to increase rent by an amount that is (a) greater than the amount calculated under the regulations for the purposes of RTA s. 43(1)(a), or MHPTA s. 36(1)(a) and (b) not greater than the maximum rent increase authorized by the regulations prescribed for the purpose of this section.								
Director's orders: landlord's right to enter rental unit										
70(1)	63	The director, by order, may suspend or set conditions on a landlord's right to enter a rental unit under RTA s. 29 or MHPTA s. 23 [landlord's right to enter restricted]	x	x	x	x				
70(2)	N/A	If satisfied that a landlord is likely to enter a rental unit other than as authorized under RTA s. 29, the director, by order, may (a) authorize the tenant to change the locks, keys or other means that allow access to the rental unit, and (b) prohibit the landlord from replacing those locks or obtaining keys or by other means obtaining entry into the rental unit.	x	x	x	x				
Director's orders: delivery and service of documents										
71(1)	64(1)	The director may order that a notice, order, process or other document that may be served by substituted service in accordance with the order.	x	x	x	x				
71(2)	64(2)	In addition to the authority under subsection (1), the director may make any of the following orders: (a) that a document must be served in a manner the director considers necessary, despite RTA s. 88 or MHPTA s. 81[how to give or serve documents generally] and RTA s. 89 or MHPTA s. 82 [special rules for certain documents]; (b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies; (c) that a document not served in accordance with section RTA s 88 or 89, or MHPTA s. 81 or 82 is	x	x	x	x				

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		sufficiently given or served for the purposes of this Act.								
Director's orders: fees and monetary orders										
72(1)	65(1)	The director may order payment or repayment of a fee under RTA s. 59(2)(c) or MHPTA s. 55(2)(c) [starting dispute resolution proceedings] or under RTA s. 79(3)(b) or MHPTA s. 72(3)(b) [application for review of director's decision] by one party to a dispute resolution proceeding to another party or to the director.	x	x	x	x				
Director may schedule dispute resolutions together										
73(1)	66(1)	If 2 or more applications for dispute resolution are accepted in respect of related disputes with the same landlord, the director may hear the dispute at the same time.	x	x	x	x				
73(2)	66(2)	If 2 or more applications for dispute resolution are accepted in respect of disputes between the same landlord and tenant, the director may hear the disputes together.	x	x	x	x	x	x	x	x
How a dispute resolution hearing is to be conducted										
74(1)	67(1)	Subject to the rules of procedure established under 9(3) [director's responsibilities] the director may conduct a hearing under this Division in the manner he or she considers appropriate.	x	x	x	x				
74(2)	67(2)	The director may hold a hearing (a) in person, (b) in writing, (c) by telephone, video conference or other electronic means, or (d) by any combination of the methods under paragraphs (a) to (c).	x	x	x	x				
74(3)	67(3)	The director may administer oaths for the purposes of this Act.	x	x	x	x	x	x	x	x

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Rules of evidence do not apply										
75	68	The director may admit as evidence, whether or not it would be admissible under the laws of evidence, any oral or written testimony or any record or thing that the director considers to be (a) necessary and appropriate, and (b) relevant to the dispute resolution proceeding.	x	x	x	x				
Director may require persons to attend and produce documents										
76(1)	69(1)	On request of a party or on the director's own initiative, the director may issue a summons requiring a person (a) to attend a hearing under this Division and give evidence, or (b) to produce before the director documents or any other thing relating to the subject matter of the dispute.	x	x	x	x				
Correction or clarification of decisions or orders										
78(1)	71(1)	Subject to subsection (2) the director may, with or without a hearing, (a) correct typographical, grammatical, arithmetic or other similar errors in his or her decision or order,	x	x	x	x	x	x	x	
		(b) clarify the decision or order, and	x	x	x	x				
		(c) deal with an obvious error or inadvertent omission in the decision order.	x	x	x	x	x	x	x	
78(1.1))	71(1.1)	The director may take the steps described in subsection (1) (a) on the director's own initiative, or (b) at the request of a party, which for subsection (1)(b) and (c) must be made within 15 days of after the decision or order is received.	x	x	x	x	x	x	x	
78(2)	71(2)	A request referred to under subsection (1.1)(b) may be made without notice to another party, but the director may order that another party be given notice.	x	x	x	x				

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Division 2 – Review of Decisions and Orders										
Application for review of director's decision or order										
79(4)	72(4)	The director may waive or reduce the fee if satisfied that (a) the applicant cannot reasonably afford to pay the fee, or (b) the circumstances do not warrant the fee being collected.	x	x			x	x	x	x
79(5)	72(5)	The director may refuse to accept an application for review if the application does not comply with subsection (3) • made in the approved form and manner, • accompanied by the prescribed fee, and • 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 the other party.	x	x	x	x	x	x	x	
Decision on application for review										
81(1)	74(1)	At any time after an application for review of a decision or order of the director is made, the director may dismiss or refuse to consider the application for one or more of the following reasons: (a) the issue raised by the application can be dealt with by a correction, clarification or otherwise under RTA s. 78 or MHPTA s. 71[correction or clarification of decisions or orders],	x	x	x	x	x	x	x	
		(b) the application (i) does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely, (ii) does not disclose sufficient evidence of a ground for the review,	x	x	x	x	x	x	x	

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		(iii) discloses no basis on which, even if the submissions in the application were accepted, the decision or order of the director should be set aside or varied, or (iv) is frivolous or an abuse of process,								
		(c) the applicant failed to pursue the application diligently or does not follow an order made in the course of the review.	x	x	x	x				
81(3)	74(3)	The director may order that a decision or order in relation to which a review has been requested is suspended, with or without conditions, until the review has been completed and a decision given to the parties.	x	x	x	x				
Review of director's decision or order										
82(2)	75(2)	The director may conduct a review (a) based solely on the record of the original dispute resolution proceeding and the written submissions of the parties, if any, (b) by reconvening the original hearing, or (c) by holding a new hearing.	x	x	x	x				
82(3)	75(3)	Following the review, the director may confirm, vary or set aside the original decision or order.	x	x	x	x				
Administrative Penalties										
94.1 (1)	86.1 (1)	Subject to the regulations, the director may order a person to pay a monetary penalty if the director is satisfied on a balance of probabilities that the person has (a) contravened a provision of this Act or the regulations, or (b) failed to comply with a decision or order of the director.	x							

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94.1 (2)	86.1 (2)	Before the director imposes an administrative penalty on a person, the director must (a) give the person an opportunity to be heard, and	x							
		(b) consider all the following: (i) previous enforcement actions for contraventions of a similar nature by the person; (ii) the gravity and magnitude of the contravention; (iii) the extent of the harm to others resulting from the contravention; (iv) whether the contravention was repeated or continuous; (v) whether the contravention was deliberate; (vi) any economic benefit derived by the person from the contravention; (vii) the person's efforts to correct the contravention.	x							
94.1 (4)	86.1 (4)	Instead of enforcing a penalty under subsection (1), the director, subject to the regulations, may enter into an agreement with the person who would otherwise be liable for the penalty.	x							
Notice of administrative penalty										
94.21	86.21	If the director imposes an administrative penalty on a person, the director must give to the person a notice specifying each of the following: (a) the contravention or failure to which the penalty relates; (b) the amount of the penalty; (c) the date by which the penalty must be paid; (d) the person's right to have the director reconsider the	x							

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		decision imposing the penalty.								
Recovery of administrative penalties										
94.31 (2)	86.31	If a person fails to pay an administrative penalty as required by a notice under section 94.21 and the time for requesting a review under section 94.3 has expired, the director may file a certificate in a court that has jurisdiction and, upon filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.	x							
Investigations										
96.1 (1)	88.1	The director may conduct investigations to ensure compliance with this Act and the regulations whether or not the director has accepted an application for dispute resolution in relation to the matter.	x							



Ministry of Housing and Social Development
Residential Tenancy Branch

DELEGATION OF AUTHORITY

Pursuant to section 9.1 of the *Residential Tenancy Act* [SBC 2002] c. 78 and section 9.1 of the *Manufactured Home Park Tenancy Act* [SBC 2002] c. 77, I hereby delegate my powers, duties, and functions, to the extent set out in the attached Delegation Matrix, to:

Linda Bell, Dispute Resolution Officer

This delegation of authority is subject to Linda Bell, holding the position of Dispute Resolution Officer with the Residential Tenancy Branch and is subject to the following conditions:

- (a) that the persons to whom my powers, duties, or functions are delegated are bound in the exercise of those powers, duties, or functions by the jurisdictional, legislative, and administrative limitations to which I am subject; and
- (c) that notwithstanding the delegation of my powers, duties, or functions, I may exercise at any time any of the powers, duties, or functions delegated.

This Delegation of Authority takes effect on March 2, 2009. This Delegation of Authority may be amended from time to time and will remain in effect until revoked.

Dated at Victoria this 6th day of March 2009.

Suzanne N. Bell
Executive Director
Residential Tenancy Branch