

POSITION DESCRIPTION

Ministry of Forests and Range and Minister Responsible for Housing

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|---|--|---------------------|----------------------|
| POSITION TITLE: | Dispute Resolution Officer | POSITION NUMBER(S): | |
| DIVISION: (e.g., Division, Region, Department) | Office of Housing and Construction Standards | | |
| UNIT: (e.g., Branch, Area, District) | RTB | LOCATION: | Victoria/ Burnaby |
| SUPERVISOR'S TITLE: | Registrar | POSITION NUMBER: | 81778 |
| SUPERVISOR'S CLASSIFICATION: | ML 6 | PHONE NUMBER: | 387-0292 |
| FOR AGENCY USE ONLY | | NOC CODE: | |
| APPROVED CLASSIFICATION: | | CLASS CODE: | |
| ENTERED BY: | | PHONE NUMBER: | |

PROGRAM

The Office of Housing and Construction Standards (OHCS) is responsible for developing comprehensive provincial housing strategies and implementing plans for approval by Cabinet. In order for British Columbians to have safe and stable housing, the OHCS provides leadership in creating a range of housing choices that spans the housing continuum from homelessness to home ownership, and meets the needs of the province's most vulnerable citizens. The core business for the OHCS is housing and homelessness, and the OHCS is comprised of four functional units: Housing Policy, Building Policy, Safety Policy and Liaison, and the Residential Tenancy Branch (the "RTB").

A key goal of the OHCS is to safeguard public interests through, among other things, an effective residential tenancy system, including legislation, regulations, government policy and programs delivered by an RTB that is committed to providing high-quality, plain language information to landlords and tenants about their legal rights, obligations and remedies, and to delivering timely informal and formal dispute resolution services to landlords and tenants.

The core functions of the RTB include:

- Administering legislation, regulations and policy that regulate relationships between residential property landlords and tenants;
- Maintaining an administrative structure to manage the human, physical, and financial resources that support province-wide program delivery;
- Developing and delivering direct and web-based information services to landlords and tenants;
- Providing intervention, mediation, adjudication and review services to resolve landlord and tenant disputes;
- Undertaking investigations for administrative penalties;
- Making determinations in relation to supportive housing and assisted living arrangements; and
- Building partnerships with stakeholders such as the Crime Free-Multi Housing Program, landlord associations, tenant advocacy groups, police and municipalities.

The RTB develops and manages three program areas:

- The *Residential Tenancy and Manufactured Home Park Tenancy Acts* ("the legislation") regulate the relationships between landlords and tenants. The relevant legislation outlines the rights and responsibilities of parties to tenancy agreements and provides for a dispute resolution process where conflicts arise in tenancy relationships, including procedures to end tenancies and administrative penalties for failure to comply with an order, or other offences under the legislation.
- The Residential Tenancy Act regulates areas related to tenure in assisted and supported living tenancies. Assisted and supported living is housing and a range of support services, which may include personalized assistance, for seniors and people with disabilities who can live independently but require help with day-to-day activities. The *Community Care and Assisted Living Act* (Ministry of Health) protects seniors and people with disabilities by providing for health and safety standards for registered supportive and assisted living residences.

- Enhancement and support of program goal by engaging and fostering external partnerships with landlord/tenant organizations, municipalities, police and stakeholder organizations, such as the Crime Free Multi-Housing Program (CFMH) which helps owners, managers and residents of multi-unit rental property work with the police and other agencies to keep illegal and nuisance activity out of such property.

PURPOSE OF POSITION

Overall responsibility for the RTB rests with the Director, RTB who is accountable to government for the administration and management of all matters and persons appointed under the legislation. The authorities of all staff and other persons retained by the Director are delegated from the Director whose authority is established by legislation.

The Dispute Resolution Officer exercises delegated authority from the Director and in this capacity is responsible for providing dispute resolution services to resolve landlord-tenant disputes pursuant to the *Residential Tenancy Act* (RTA) and the *Manufactured Home Park Tenancy Act* (MHPTA). The position interprets and applies the legislation and landlord and tenant common law to deliver high quality, timely and effective dispute resolution services. The Dispute Resolution Officer is accountable for rendering each decision promptly and within the time limits prescribed by the legislation.

NATURE OF WORK AND POSITION LINKS

The RTB includes an administrative head office and regional offices through which dispute resolution services are made available to landlords and tenants for the purpose of resolving residential tenancy disputes. Overall responsibility for the RTB rests with the Director who is accountable to government for the administration and management of all matters and persons appointed under the legislation.

RTB's success is measured by the timely and effective delivery of programs and services to avert or resolve landlord-tenant disputes. The Director or delegate takes the lead in developing policy, rules and guidelines under the legislation, and contributes to the flow of dispute resolution services through the scheduling and reviewing functions of the Office. RTB also provides information to landlords and tenants directly, through government agents, landlord and tenant organizations, and through an extensive website. These materials assist parties in resolving their own disputes and in being prepared if and when disputes proceed to a formal adjudication hearing.

The Director, or delegate, assists landlords and tenants in resolving disputes through informal and formal dispute resolution processes. The Director assigns Dispute Resolution Officers to resolve disputes between landlords and tenants throughout the province, at in-person, teleconference and written hearings. As a delegate of the Director, the Dispute Resolution Officer has statutory responsibilities and quasi-judicial authority pursuant to the RTA and MHPTA. The Dispute Resolution Officer acts as an independent and impartial decision-maker, and makes binding decisions that the landlord and tenant must follow. The Dispute Resolution Officer must make findings of fact based on an assessment of the relevant evidence and credibility of witnesses, and apply the law to those facts in reaching a decision that is consistent with the legislation and the common law. The legislation provides the Dispute Resolution Officer and the Director a limited ability to review decisions. The final decision is subject to judicial review in the BC Supreme Court. Orders of Possession granted by the Dispute Resolution Officer can be enforced through the BC Supreme Court and monetary orders can be enforced through the BC Provincial Court. The Dispute Resolution Officer must make decisions consistent with all applicable legal requirements and effect a resolution to the dispute within the framework of administrative fairness. [Note: The Supreme Court of Canada says that administrative fairness and natural justice are essentially the same thing.]

The Dispute Resolution Officer plays a critical role in providing parties with access to an orderly, timely and effective dispute resolution process. The process is, by nature, adversarial. The Dispute Resolution Officer is accountable for attempting mediation and conducting hearings in a courteous, respectful and effective manner, providing clear, concise and well-reasoned written decisions, demonstrating current knowledge of relevant residential tenancy law, and exhibiting professional and ethical conduct. Through their conduct of dispute resolution services and their written decisions, Dispute Resolution Officers enhance the parties' understanding of current residential tenancy law and their respective rights and obligations under the law.

The RTB receives approximately 29,000 applications for dispute resolution services annually. Hearings may be held in person, over the telephone, or in writing, in accordance with policies established by the Executive Director.

Position Links:

- Director or the Director's delegate – the Dispute Resolution Officer assists, as requested, with establishing Rules of Procedure and policies that govern the conduct of dispute resolution services.

- Registrar – the Dispute Resolution Officer reports to the Registrar on dispute resolution service delivery and file administration.

SPECIFIC ACCOUNTABILITIES / DELIVERABLES

Conducts dispute resolution services, including intervention, mediation and public quasi-judicial hearings conducted in accordance with the legislation, Rules of Procedure, principles of natural justice and the common law, and makes decisions as authorized by the legislation, such as for orders of possession, claims for compensation, claims against security deposits, counterclaims and various disputes about terms and conditions of tenancy agreements.

Establishes and maintains conduct of the hearing process, determines the manner in which evidence shall be presented, rules on any objections and legal arguments, and manages disruptive parties in a firm but respectful manner.

Records oral submissions of parties and evidence of witnesses, and reviews documentary and other types of evidence to determine each case on the basis of evidence, relevant legislation, legal principles and precedents.

Ensures administrative policy and rules of administrative fairness are upheld in dispute resolution processes.

Prepares and issues written orders and decisions in accordance with standards established by the Director, including detailed reasons regarding each matter heard. Uploads decisions and orders to the RTB Case Management System, records hearing time and other statistical data, and ensures files are closed appropriately.

Assesses issues with respect to compliance with legislation governing tenancies.

Ensures efficient and effective service to the public and continuity of case work flow, ensuring time limits prescribed by legislation are met.

Cooperates with the Registrar in the investigation and resolution of complaints.

FINANCIAL RESPONSIBILITY

N/A

DIRECT SUPERVISION (i.e., responsibility for signing the employee appraisal form)

| Role | # of Regular FTE's | # of Auxiliary FTE's |
|--|--------------------|----------------------|
| Directly supervises staff | | |
| Supervises staff through subordinate supervisors | | |

PROJECT / TEAM LEADERSHIP OR TRAINING (Check the appropriate boxes)

| Role | # of FTE's | Role | # of FTE's |
|--|------------|---|------------|
| Supervises students or volunteers <input type="checkbox"/> | | Provides formal training to other staff <input type="checkbox"/> | |
| Lead project teams <input type="checkbox"/> | | Assigns, monitors and examines the work of staff <input type="checkbox"/> | 0 |

SPECIAL REQUIREMENTS

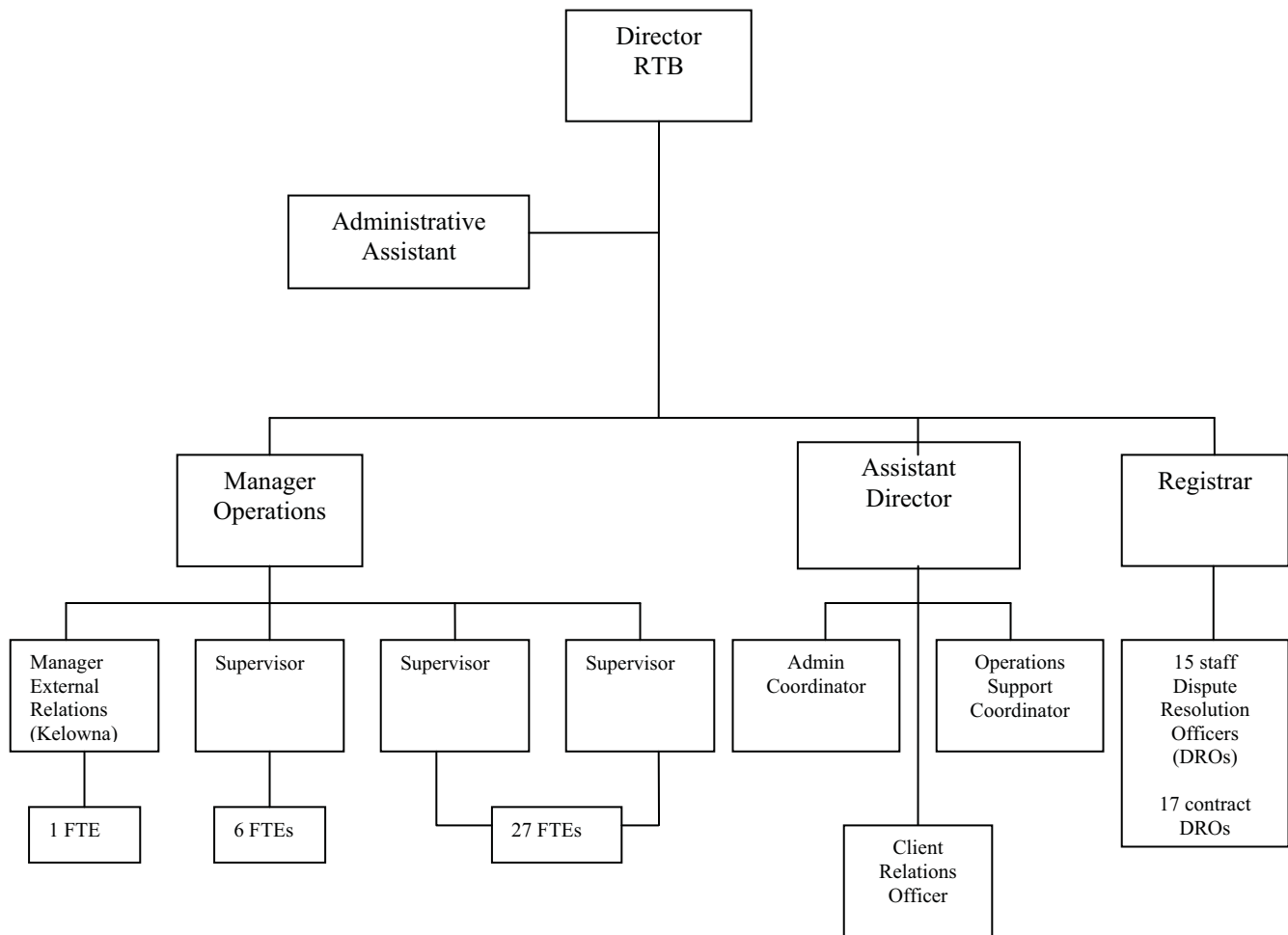
TOOLS / EQUIPMENT

- Laptop or personal computer
- Standard office equipment (i.e., photocopier, fax)
- Standard office software

WORKING CONDITIONS

- Required to travel on occasion.

ORGANIZATION CHART



SELECTION CRITERIA

Education/Experience:

- A minimum of five years experience in making administrative law decisions preferably in a judicial or quasi-judicial tribunal, or equivalent combination of education and experience.

Knowledge:

- Knowledge of the theories and principles of common law, administrative law, rules of evidence, and administrative fairness/natural justice.
- Knowledge of dispute resolution processes.

Abilities/Skills:

- Excellent verbal and written skills.
- Demonstrated planning and analytical skills.
- Keyboarding skills.
- Ability to interpret and apply relevant legislation.
- Ability to maintain conduct of hearing processes.
- Ability to render decisions based on evidence and arguments presented by both parties at a dispute resolution hearing and resolve complex issues between disputing individuals.
- Ability to adhere to dispute resolution process requirements (meeting time limits, issuing written orders, etc.).
- Ability to organize a substantial workload.
- Ability to develop and deliver public information sessions.
- Ability to learn and use the RTB Case Management System and technological upgrades.

COMPETENCIES

Analytical Thinking – is understanding a situation by breaking it apart into smaller pieces, or tracing the implications of a situation in a step-by-step way.

Conceptual Thinking – is the ability to identify patterns or connections between situations that are not obviously related, and to identify key or underlying issues in complex situations.

Problem Solving and Judgement – is the ability to analyze problems systematically, organize information, identify key factors, identify underlying causes and generate solutions.

Flexibility – is the ability and willingness to adapt to and work effectively within a variety of diverse situations, and diverse individuals or groups.

Self Confidence - is a belief in one's one capability to accomplish a task and select an effective approach to a task or problem. This includes confidence in one's ability as expressed in increasingly challenging circumstances and confidence in one's decision or opinions.

Service Orientation – implies a desire to identify and serve customers/clients, who may include the public, co-workers, other branches/divisions, other ministries/agencies, other government organizations, and non-government organizations. It means focusing one's efforts on discovering and meeting the needs of the customer/client.