

**PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No.

163

, Approved and Ordered **MAR 10 2008**



Lieutenant Governor

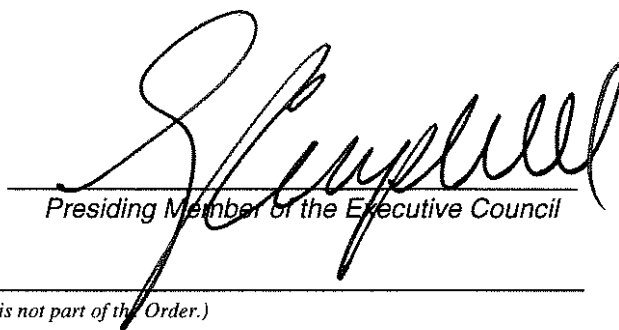
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) sections 49, 52 (b), 109 and 112 (b) insofar as it enacts section 97 (2) (p.1) of the *Residential Tenancy Act*, R.S.B.C. 2002, c. 78, of the *Tenancy Statutes Amendment Act*, 2006, S.B.C. 2006, c. 35, are brought into force,
- (b) the *Manufactured Home Park Tenancy Regulation*, B.C. Reg. 481/2003, is amended as set out in section 1 of the attached schedule, and
- (c) the *Residential Tenancy Regulation*, B.C. Reg. 477/2003, is amended as set out in section 2 of the attached schedule.



*Minister of Forests and Range and Minister
Responsible for Housing*



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Manufactured Home Park Tenancy Act*, S.B.C. 2002, c. 77, sections 86.1 and 89; *Residential Tenancy Act*, S.B.C. 2002, c. 78, sections 94.1 and 97; *Tenancy Statutes Amendment Act*, 2006, S.B.C. 2006, c. 35, section 118

Other (specify):- orders in council 1236/2003 and 1239/2003

December 19, 2007

SCHEDULE

1 The Manufactured Home Park Tenancy Regulation, B.C. Reg. 481/2003, is amended by adding the following sections:

Opportunity to be heard

- 54** (1) An opportunity to be heard provided for the purposes of section 86.1 (2) (a) of the Act, may be, as the director considers appropriate in the circumstances,
- (a) in writing, including by facsimile transmission or electronic mail,
 - (b) in person, or
 - (c) by video conference, audio conference, telephone or other electronic means, if available.
- (2) The director must give notice of an opportunity under subsection (1), which notice must include the following information:
- (a) the provision of the Act or regulations the person is alleged to have contravened or the decision or order of the director with which the person is alleged to have failed to comply and the particulars of the alleged contravention or failure;
 - (b) the due date for written submissions or the time, date, place and manner of hearing.
- (3) A notice under subsection (2) must be given not less than 21 days before the due date of a submission under subsection (1) (a) or the date of a hearing under subsection (1) (b) or (c).
- (4) On application, the director may change a time or date specified under subsection (2) (b).

Consequences of failing to appear or provide submissions

- 55** If a person who is given notice under section 54 (2) of this regulation fails to provide submissions or to appear when required by the notice or under section 54 (4), as applicable, the director may proceed without further notice to make an order under section 86.1 of the Act in respect of the person.

Payment of administrative monetary penalty

- 56** An administrative penalty must be paid within 60 days after the date of the order under section 86.1 of the Act to which it relates.

Limitation period for administrative penalties

- 57** (1) A notice under section 54 (2) must not be sent more than 2 years after the facts giving rise to it first came to the knowledge of the director.
- (2) A document purporting to have been issued by the director, certifying the date on which the director became aware of the facts referred to in subsection (1),
- (a) is admissible without proof of the signature or official character of the person appearing to have signed the certificate, and
 - (b) is proof of the certified date unless there is evidence to the contrary.

Agreement terms

- 58** (1) An agreement under section 86.1 (4) of the Act must set out the following information:
- (a) the names and addresses of both parties;
 - (b) the date of the agreement;
 - (c) the address of the manufactured home park where the contravention referred to in section 86.1 (1) (a) of the Act occurred or in respect of which the order or decision referred to in section 86.1 (1) (b) of the Act was made.
- (2) An agreement under section 86.1 of the Act must include the following terms and conditions:
- (a) the actions the person liable for the administrative penalty will take under the agreement;
 - (b) the date by which those actions must be carried out;
 - (c) the amount by which the administrative penalty will be reduced or that the administrative penalty will be cancelled, if those actions are carried out by that date;
 - (d) that the full amount of the administrative penalty imposed under section 86.1 of the Act is payable on the date under paragraph (b) if the actions are not carried out as required or by that date.

2 *The Residential Tenancy Regulation, B.C. Reg. 477/2003, is amended by adding the following sections:*

Opportunity to be heard

- 33** (1) An opportunity to be heard provided for the purposes of section 94.1 (2) (a) of the Act may be, as the director considers appropriate in the circumstances,
- (a) in writing, including by facsimile transmission or electronic mail,
 - (b) in person, or
 - (c) by video conference, audio conference, telephone or other electronic means, if available.
- (2) The director must give notice of an opportunity under subsection (1), which notice must include the following information:
- (a) the provision of the Act or regulations the person is alleged to have contravened or the decision or order of the director with which the person is alleged to have failed to comply and the particulars of the alleged contravention or failure;
 - (b) the due date for written submissions or the time, date, place and manner of hearing.
- (3) A notice under subsection (2) must be given not less than 21 days before the due date of a submission under subsection (1) (a) or the date of a hearing under subsection (1) (b) or (c).
- (4) On application, the director may change a time or date specified under subsection (2) (b).

Consequences of failing to appear or provide submissions

- 34** If a person who is given notice under section 33 (2) of this regulation fails to provide submissions or to appear when required by the notice or under section 33 (4), as applicable, the director may proceed without further notice to make an order under section 94.1 of the Act in respect of the person.

Payment of administrative monetary penalty

- 35** An administrative penalty must be paid within 60 days after the date of the order under section 94.1 of the Act to which it relates.

Limitation period for administrative penalties

- 36** (1) A notice under section 33 (2) must not be sent more than 2 years after the facts on which it is based first came to the knowledge of the director.
- (2) A document purporting to have been issued by the director, certifying the date on which the director became aware of the facts referred to in subsection (1),
- (a) is admissible without proof of the signature or official character of the person appearing to have signed the certificate, and
 - (b) is proof of the certified date unless there is evidence to the contrary.

Agreement terms

- 37** (1) An agreement under section 94.1 (4) of the Act must set out the following information:
- (a) the names and addresses of both parties;
 - (b) the date of the agreement;
 - (c) the address where the contravention referred to in section 94.1 (1) (a) of the Act occurred or in respect of which the order or decision referred to in section 94.1 (1) (b) of the Act was made.
- (2) An agreement under section 94.1 of the Act must include the following terms and conditions:
- (a) the actions the person liable for the administrative penalty will take under the agreement;
 - (b) the date by which those actions must be carried out;
 - (c) the amount by which the administrative penalty will be reduced or that the administrative penalty will be cancelled, if those actions are carried out by that date;
 - (d) that the full amount of the administrative penalty imposed under section 94.1 of the Act is payable on the date under paragraph (b) if the actions are not carried out as required or by that date.