



Landlord and Tenant Fact Sheet

RTB-108

Enforcing a Monetary Order

s. 84 & 85 Residential Tenancy Act and s. 77 & 78 Manufactured Home Park Tenancy Act

A Dispute Resolution Officer's (DRO's) order is final and binding.

A monetary order may be enforced in the Provincial Court of British Columbia (Small Claims), unless it has been suspended under the *Residential Tenancy Act* (RTA) or the *Manufactured Home Park Tenancy Act* (MHPTA).

The Court establishes the procedures for enforcing the Order.

Serving the order

When you receive a DRO's order, you will generally receive at least three (3) original orders – one for your records, one for the Court, and one for each person named in the order. An original (or a true copy) must be served to each respondent named in the order.

Along with the Order, give the respondent a letter clearly stating a reasonable time for when payment must be made, the form of payment you will accept, and where you expect payment to be delivered. If you later have to take the respondent to court for enforcement of the order, this letter will show the efforts you made to collect the payment on your own.

The Certificate of Service (RTB-21) that you will receive with the order (or is available online at www.rto.gov.bc.ca) lists the different ways for serving the order that are generally accepted by the Court. However, it is your responsibility to satisfy the Court that the order was properly served. For more information on serving documents speak to the Small Claims Court Registry nearest you.

Review of the order

s. 79 RTA and s. 72 MHPTA

Under the RTA or MHPTA, a respondent has fifteen (15) days from receiving the order to file for a review but a DRO may extend that deadline. Although an application for a review does not automatically suspend the order the order cannot be enforced until the review period has passed. Unless the order is suspended, it may be filed for enforcement at any time after the review period, subject to any requirements of the Court.

Enforcing the order

To enforce an order you must register it at the Small Claims Court Registry. Take an original order and the completed Certificate of Service to the court registry office nearest to the disputed address (requirements at each registry may vary; please contact the office nearest you).

Before filing, contact the Residential Tenancy Branch to see if a Review Request has been filed or the order has been suspended.

Be prepared to provide the Court with as much information as you can about the respondent, such as where the person lives, works, banks, etc., along with any proof of service of the order, such as a receipt for registered mail from Canada Post.

There are fees involved for filing and these fees may be added to your court claim.

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

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For the address of the nearest Small Claims Court:

- Check the blue pages of the phone book, under Provincial Government listings for the Ministry of Attorney General, Courts, or
- Visit the B.C. Government Web site www.gov.bc.ca and type 'court services' in the search bar, or
- Call Enquiry BC at 1-800-663-7867.

For more information ...

Visit the RTB's Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway

Victoria: 1st Floor, 1019 Wharf Street

Kelowna: 101-2141 Springfield Road

RTB Burnaby and Victoria are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

RTB Kelowna is open 8:30 a.m. to 12 noon, Monday to Friday for limited services.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—Government Agents Office.