

26. Advocates, Agents and Assistants

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A. Takeaway

This policy guideline addresses the role of advocates, agents and assistants within the context of a Residential Tenancy Branch (RTB) dispute resolution proceeding.

Keywords: advocate, agent, assistant

B. Legislative Framework

The following sections describe Policy Guideline 26:

<i>Residential Tenancy Act</i> (RTA)	<i>Manufactured Home Park Tenancy Act</i> (MHPTA)
• section 74 (4)	• section 67 (4)

The *Residential Tenancy Act* (RTA) and the *Manufactured Home Park Tenancy Act* (MHPTA) state that a party to a dispute may be represented by an agent or lawyer.

According to Rule 6.7 of the Rules of Procedure, a party to a dispute resolution proceeding may also be assisted by an advocate, an interpreter, or any other person whose assistance the party requires in order to make their presentation.

In general, a landlord or tenant can attend a hearing with another person, as long as

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that person does not disrupt the hearing and follows the instructions of the arbitrator.

C. Roles

Advocates

An advocate is a person who advises a landlord or tenant, attends a hearing with them and assists that party in presenting their case. Some advocates are community-based legal advocates who have specialized training in residential tenancy laws and RTB procedures. Generally, an advocate is not named as a party to the hearing, and an order is not made against the advocate.

Prior to the hearing, an advocate may help a landlord or a tenant to fill out the application for dispute resolution and to gather, organize, serve and submit their evidence. An advocate may help a landlord or a tenant to prepare their case for a hearing by determining strategies and arguments, seeking additional information, and identifying and arranging for witnesses.

An advocate can also assist a party with presenting their case at a hearing by:

- Giving opening remarks and making submissions on behalf of the party. This may include presenting evidence to establish the facts of the case and arguing how the law applies to these facts
- Guiding the party through their evidence. This may be accomplished by asking the party questions and assisting the party with presenting their oral evidence and explaining their documentary evidence
- Asking the party's witnesses questions for the purpose of presenting evidence

Asking the other party and their witnesses questions related to their evidence. At times, an advocate may attend a hearing in place of a party. The advocate may be required to provide written verification that they have authority to do so. Written verification is not required where an advocate is attending with a party.

Agents

Under the Rules of Procedure, an agent is a person appointed by the party to act on their behalf. The agent may speak on behalf of and often appear on behalf of the party. An agent may also be a person who has acted for a party during a tenancy,

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such as a property manager who acts on behalf of a landlord, and who may have evidence to present at the hearing. A tenant may appoint any trusted person as their agent. Where a party chooses to attend the hearing, they are entitled to remain with their agent throughout. Unlike advocates, agents have full authority to settle the claims and may be named as a party to the dispute. An agent may:

- Apply for dispute resolution on behalf of the landlord or tenant
- Prepare, organize, serve and submit evidence
- Make submissions on behalf of the party
- Ask questions of the other party and witnesses with respect to their evidence
- Settle claims

When an agent applies for dispute resolution on behalf of a landlord or tenant, such as a property manager applying for an Order of Possession through the Direct Request process, the party should attach a letter to the application explaining their agent's role and authority to act.

Agents may be required to provide written verification that they have been appointed by the landlord or tenant to act or appear on their behalf at the dispute resolution proceeding and that they have full authority to settle a claim. This is particularly important when the agent has not had direct involvement during the tenancy. Written verification is not required where a party attends the hearing with their agent.

Assistants

An assistant may include a translator, interpreter, helper or family member who helps a party with the dispute resolution proceeding. An assistant may help a landlord or tenant fill out an application for dispute resolution but does not sign on their behalf. An assistant may provide translation services, interpreting the proceedings into another language or for persons who are hard of hearing or have disabilities. In addition, an assistant may help a landlord or tenant understand what's going on in the dispute resolution hearing.

When an assistant speaks at a hearing, it is not on behalf of the landlord or tenant. Rather, the assistant repeats the proceedings in a way that the party can understand them or repeats the statements of the party in a way that other participants in the

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hearing can understand. An assistant does not offer new, independent or additional information.

D. Advocates, Agents, and Assistants Appearing as Witnesses

In some circumstances, an advocate, agent or assistant may need to give testimony as a witness. A party represented by an agent or advocate may also appear as a witness. Generally, anyone appearing in a hearing as a witness is not permitted to listen to the proceedings before or after giving their evidence. However, in this circumstance an exception may be made. Whenever possible, they should be called before other witnesses so that their evidence is not influenced by other testimony.

E. Case Law

Agents and Section 51 Monetary Orders

In some circumstances, an agent of a landlord could be ordered to pay compensation to the tenants under section 51 of the RTA (see [0808799 B.C. v British Columbia \(Residential Tenancy Branch\), 2024 BCSC 1915](#) (0808799 BC)). Factors that may lead to such a finding include:

- The tenants have only ever dealt with the agent
- The tenancy agreement and notice to end tenancy list only the agent as the landlord.
- The agent never provided the tenants with the owner's address
- The owner was not added as a respondent to the dispute resolution proceeding
- The agent defends the notice to end tenancy if disputed by the tenants

Under section 1 of the RTA, the definition of a "landlord" includes the agent of the landlord. The only exception to the broad definition of landlord under section 1 is provided under section 49, where the definition of "landlord" is restricted to narrow the class of landlords who can end a tenancy for their own or their close family member's use. The court in *0808799 BC* found the meaning of landlord under section 51 of the RTA is not restricted to the narrow definition of a landlord contained in section 49 of the RTA.

The possibility of a monetary order under section 51 of the RTA being issued against

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an agent means tenants can seek compensation even if they have only dealt with the owner's agent and have not had direct contact with the owners of the rental unit or know their address. However, the key question of whether compensation applies under a section 51 application remains whether a landlord who meets the definition of "landlord" in section 49 has used the property as required.

The court in *0808799 BC* suggested agents can take steps to avoid having an order made against them, rather than the owner, by ensuring that the owner is added as a respondent to the dispute resolution application and served with the dispute resolution materials. Agents can also argue under section 51 (3) that the existence of extenuating circumstances warrant against granting the order against the agent.

F. Policy Guideline Intention

The Residential Tenancy Branch issues policy guidelines to help Residential Tenancy Branch staff and the public in addressing issues and resolving disputes under the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act*. This policy guideline may be revised and new guidelines issued from time to time.

G. Changes to Policy Guideline

Section	Change	Notes	Date Guideline Changed
B	Am	Corrected reference to Rules of Procedure	June 2018
All	Del	Removed gendered language	July 2025
All	Am	Formatted to new template	July 2025
E	New	Added case law	February 2026
B, C	Am	Minor edits for clarity	February 2026

Change notations

am = text amended or changed

del = text deleted

new = new section added