



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on the Notice to End Tenancy for non-payment of rent, and a request for a monetary order in the amount of \$1000.00.

Background and Evidence

A documents only hearing was originally held on May 22, 2012 and the decision was issued on May 23, 2012.

At that original hearing the dispute resolution officer found that there was \$1000.00 rent outstanding and therefore an Order of Possession was issued, and an order was issued for the payment of that \$1000.00.

On May 24, 2012 the respondent's applied for review of the original decision providing evidence that convinced the dispute resolution officer that \$1000.00 was paid on May 1, 2012 by and interact e-transfer to the landlord.

As a result a reviewed hearing was granted and that is what is before me today.

Prior to today's hearing however the tenants vacated the rental unit, and therefore the request for an Order of Possession is no longer an issue and I will only be dealing with a request for \$1000.00 in outstanding rent.

At today's hearing the landlord testified that:

- The tenant has not paid \$1000.00 of the May 2012 rent, and in fact the interact e-transfer was cancelled by the tenants on May 10, 2012
- He is therefore still requesting an order for the outstanding \$1000.00 of May 2012 rent.

The tenants testified that:

- They were not aware that the e-transfer had been cancelled, and if that is the case they are certainly willing to pay the \$1000.00 that is outstanding.

Analysis

I have reviewed the new evidence provided for today's hearing, and it is my finding that the landlord has shown that the female respondent/tenant cancelled the interact e-transfer on May 10, 2012, 14 days before they applied for review of the original decision.

Had this evidence of the cancellation of the e-transfer been available to the dispute resolution officer who received the application for review, it's very unlikely that a review hearing would have been granted.

The respondents stated at today's hearing that they were unaware that the e-transfer had been cancelled, however I find that hard to believe as it had been cancelled by the female tenant herself.

Therefore since the e-transfer was cancelled, the tenants do still owe \$1000.00 for May 2012 rent, and I therefore allow the landlords claim for that outstanding rent.

Conclusion

I have issued an order for the respondents to pay \$1000.00 to the applicant.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 19, 2012.

Residential Tenancy Branch