



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CREIGHTON AND ASSOCIATES
REALTY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

Introduction

The tenant applies for an order compelling the landlord to accept rent payments by a particular e-transfer mechanism.

Both parties attended the hearing, the corporate landlord by its representative Mr. C., and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

Must the landlord accept rent in the manner desired by the tenant?

Background and Evidence

The rental unit is an apartment. There is a written tenancy agreement. The tenancy started in May 2017.

The tenant wants to pay his rent by Interac e-transfer through an entity known as "GetDigs." He has attempted to do so but the landlord has not "accepted" the money transfer by clicking on the deposit link in the email that GetDigs sends him to complete the transfer.

Mr. C. for the landlord says it is quite willing to accept email transfers of rent payments but that GetDigs is unknown to him and no landlords that he knows of are accepting such transfers. He gets a lot of emails that are phony or fraudulent and is concerned about this one.

The tenant responds that GetDigs is backed by the Royal Bank of Canada. He wants to use GetDigs because he gets a benefit by using his credit card.

Analysis

The email transfer sent to the landlord displays the Interac logo and so, at least on the surface of things, appears to be connected to Interac interbank network that links financial institutions for the purpose of exchanging electronic financial transactions.

At the same time, the landlord is rightfully concerned, not having seen GetDigs before, that it might be a “scam.”

In light of the fact that the Interac logo is on the transfer email, in my view, the obligation is on the landlord to investigate its concern about fraud. A simple search would reveal that GetDigs is a platform offered by the Royal Bank of Canada, a chartered bank, created expressly for rent payments.

Conclusion

Unless and until the landlord unearths some basis to conclude that GetDigs is a fraudulent scheme, the tenant is entitled to use GetDigs to pay his rent.

The tenant’s application is allowed. He does not request recovery of any filing fee.

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 11, 2019

Residential Tenancy Branch