

BETWEEN

ABW and ABX

APPLICANTS

AND

ZYG

RESPONDENT

Date of Order:

17 September 2013

Referee:

Referee Hannan

ORDER OF THE DISPUTES TRIBUNAL

The Tribunal hereby orders that the claim be dismissed.

Facts

[1] The parties entered into an agreement in December 2009 that the Applicants would reside at the Respondent's home as boarders. The parties agree that the terms of this agreement were that the Applicants would pay \$150.00 per week to cover the room, power, water, telephone, etc. This agreement was not evidenced in writing. The agreement came to an end on 11 July 2011 when the Applicants moved out following a request from the Respondent to do so on 3 July 2011.

[2] The Applicants claim that in December 2009 they paid a \$450.00 bond to the Respondent and they seek a return of this money. The Respondent denies that a bond was asked for or paid.

[3] The Tribunal is required to apply an evidential standard. The burden is on the Applicant to prove their claim on the balance of probabilities. The parties have no evidence to support their claims other than their own recollection of events. There are no written documents recording their agreements or any rent records or receipts. All payments were claimed to have been made in cash. No bank records have been put in evidence.

[4] The Tribunal is only entitled to make a determination on evidence and there is none of any value before the Tribunal. On the evidence presented to the Tribunal, I find the Applicants have not met the burden of proving on the balance of probabilities that the payment claimed was made. The claim must be dismissed.