



Order under Section 135 Residential Tenancies Act, 2006

File Number: LTB-T-097736-25

In the matter of: 1, 294 PINE ST
SUDBURY ON P3C1X7

Between: Michael Carriere Tenant

And

Pine Street (No.5) Inc. Landlord

Michael Carriere (the 'Tenant') applied for an order determining that Pine Street (No.5) Inc. (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on April 29, 2026.

The Tenant's Representative John Andersen and the Landlord's Agent Paula Peroni attended the hearing.

Determinations:

1. As explained below, the Tenant did not prove the allegations contained in the application on a balance of probabilities. Therefore, the application is dismissed.
2. The Tenant's Representative submitted into evidence an email between the Tenant and the Landlord in which the Tenant advised the Landlord that he will be vacating the unit by October 31, 2025 and another email confirming that the Tenant returned the keys to the unit.
3. The Tenant's Representative submitted that the Tenant stopped the rent payment for the month of November and the Landlord failed to return the Tenant's last month's rent deposit.
4. The Landlord's Agent submitted that on October 1, 2025, the Landlord received an N9 notice from the Tenant with a termination date of November 30, 2025.
5. The Landlord's Agent further submitted that the Tenant was asked if he wanted out earlier if they were able to find a new tenant for his unit, and he agreed.
6. The Landlord's Agent submitted that the Landlord immediately listed the unit for rent and starting showing the unit but was unable to rent it out until February 2026, therefore the Tenant's last month rent was applied to the month of November 2025.

7. Based on the evidence before me, I find on a balance of probabilities that the Tenant agreed to leave the unit early if the Landlord was able to find a new tenant and because the Landlord was unable to find a new tenant, the last month of the tenancy was November 2025, as was the termination date in the N9 notice the Tenant served to the Landlord.
8. Therefore, I find that the Landlord did not illegally retain the Tenant's rent deposit.

It is ordered that:

1. The Tenant's application is dismissed.

May 27, 2026
Date Issued

Brenda Mercer
Member, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.