



Order under Section 135 Residential Tenancies Act, 2006

Citation: Elepo v MCCUTCHEN, 2026 ONLTB 41019

Date: 2026-05-28

File Number: LTB-T-055187-25

In the matter of: 105, 97 HURON ST
STRATFORD ON N5A5S7

Between: Mohammed Elepo Tenant

And

BLAIN MCCUTCHEN Landlord

Mohammed Elepo (the 'Tenant') applied for an order determining that BLAIN MCCUTCHEN (the 'Landlord') collected or retained money illegally.

This application was heard by videoconference on February 24, 2026.

The Landlord and the Tenant attended the hearing. The Tenant met with Tenant Duty Counsel prior to the hearing.

Determinations:

1. As explained below, the Tenant proved the allegations contained in the application on a balance of probabilities. Therefore, the Landlord must pay to the Tenant \$2,048.00.
2. The Tenant testified that when the tenancy commenced on February 1, 2025, he had signed a lease and paid \$4,000.00 for first and last month's rent deposit. The Tenant testified that on May 28, 2025, he had given the Landlord notice of termination of the tenancy and vacated the unit on June 11, 2025.
3. On June 12, 2025, the Landlord's real estate agent had signed a new lease with a new tenant, which lease began on July 1, 2025.
4. The Landlord submitted that the deposit should not be returned to the Tenant, as the Tenant broke the lease early and the Landlord had to pay an agent to get the unit re-rented. That said, the Landlord did agree to the termination of the lease and re-rented the unit the next day. The Landlord had already received the Tenant's rent for June.
5. On a balance of probabilities, I am satisfied that the Tenant has proven that the Landlord illegally retained the Tenant's rent deposit.

6. Section 106(10) of the *Residential Tenancies Act, 2006* states:

(10) A landlord shall apply a rent deposit that a tenant has paid to the landlord or to a former landlord in payment of the rent for the last rent period before the tenancy terminates.

7. The Landlord failed to apply the last month's deposit to the last month of the tenancy and failed to refund the Tenant the deposit.

It is ordered that:

1. The total amount the Landlord shall pay the Tenant is \$2,048.00. This amount represents:
 - \$2,000.00 for the last month's rent deposit.
 - \$48.00 filing fee costs
2. The Landlord shall pay the Tenant the full amount owing by June 8, 2026.
3. If the Landlord does not pay the Tenant the full amount owing by June 8, 2026, the Landlord will owe interest. This will be simple interest calculated from June 9, 2026, at 4.00% annually on the balance outstanding.
4. The Tenant has the right, at any time, to collect the full amount owing or any balance outstanding under this order.

May 28, 2026
Date Issued

Jagger Benham
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.