

Docket No. MMX-CV24-5016698-S : SUPERIOR COURT  
MARGARET J. HODGES : JUDICIAL DISTRICT OF  
MIDDLESEX  
V. : AT MIDDLETOWN  
JEFFREY WEATHERBY : APRIL 30, 2024

**MEMORANDUM OF DECISION**

This is a summary process action with lapse of time only pleaded by the plaintiff. The case was tried on April 15, 2024. The court has weighed all the evidence including the testimony of witnesses and several exhibits admitted by both parties. Based on the evidence presented, the court makes the following findings.

The defendant has proved sufficient facts to create a presumption that the plaintiff's action was retaliatory within the meaning of General Statutes § 47a-20. Specifically, he has proved by a preponderance of the evidence that the plaintiff's summary process action was commenced after he complained to the Cromwell Health Department of repairs necessary to keep the premises in fit and habitable condition.

The evidence elicited at the trial established that the plaintiff's daughter, Ms. Robin Hodges, hereinafter "Ms. Hodges", acting on the plaintiff's behalf, instructed the defendant to move out after he had asked the landlord to make repairs to the premises and then alerted the Cromwell Health Department to conditions of the premises on or about December 12, 2023. Following multiple directives by Ms. Hodges to move out, the defendant was served with a notice to quit on January 11, 2024. Prior to the defendant's complaint to the Cromwell Health Department, the evidence showed that the plaintiff intended to re-lease the premises to the defendant for another year. See Defendant's Exhibit A.

The plaintiff argues that the defendant was responsible for damaging the kitchen sink which resulted in the kitchen floor flooding. The evidence showed that Ms. Hodges discovered a hole in the kitchen sink on December 12, 2023. On the

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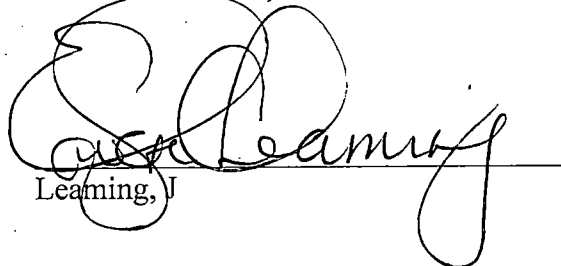
same date, she texted the defendant and advised him that he and his former roommate would have to pay for the damage and nothing further was requested. (Defendant's Exhibit A). The evidence showed that Sam Nesci of the Cromwell Health Department spoke with the Ms. Hodges on December 18, 2023 and advised her of the defendant's complaint. (Defendant's Exhibit B). The next day Ms. Hodges sent an email to the defendant and Mr. Nesci in response to the concerns raised by the defendant and, among other things, advised the defendant to move out. (Defendant's Exhibit B).

At trial, Ms. Hodges alleged that the defendant caused extensive damage to the premises and has engaged in racist and threatening behavior towards her and her mother, the plaintiff. These allegations first arose after the complaint was made to the Cromwell Health Department. Given the specific nature of this cause of action, which is lapse of time only, and the timing of those allegations, the plaintiff's allegations do not rebut the presumption of retaliatory eviction.

This Court, throughout the trial, observed a significant level of hostility and discomfort within this landlord-tenant relationship. While not insensitive to the concerns raised by the parties, this Court is obligated to narrowly construe and strictly apply the relevant housing statutes and reaches its conclusion based on the evidence and testimony presented. Resolving the plaintiff's claim for damages or of serious nuisance are not properly before this court for consideration in this particular action. Pursuant to General Statutes §47a-20, the plaintiff may reinstate a summary process action six months from the date on which the defendant contacted the Cromwell Health Department to remedy the conditions of the premises at issue.

The defendant has proved the special defense of retaliatory eviction by a preponderance of the evidence. As such, the court enters judgment for the defendant and the case is dismissed.

BY THE COURT,

  
Leaming, J