
HOUSING - CONNECTICUT

Presidential Village, LLC v. Phillips

Supreme Court of Connecticut - May 9, 2017 - A.3d - 325 Conn. 394 - 2017 WL 1719185

Landlord brought summary process action against tenant of federally subsidized apartment, based on tenant's keeping of "emotional support dog" in violation of pet restriction clause of lease.

The trial court entered judgment in favor of tenant, based on equity. Landlord appealed. Appeal was transferred to Supreme Court.

The Supreme Court of Connecticut held that:

- Appeal was not rendered moot by landlord's commencement of second summary process action against tenant, which was dismissed;
- Trial court could not rely on "spirit" of Department of Housing and Urban Development in exercising equitable discretion to enter judgment in favor of tenant;
- Trial court abused its discretion in applying doctrine of equitable nonforfeiture; and
- Summary process action was "civil action" to which medical treatment report exception to hearsay rule could be applied to allow for admission of letter from physician and social worker of tenant's niece concerning dog's benefit to niece.

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