

Bond Case Briefs

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Town of Canton v. Cadle Properties of Connecticut, Inc.

Supreme Court of Connecticut - May 19, 2015 - A.3d - 2015 WL 2189610

Town brought action against property owner seeking appointment of a receiver of rents in connection with delinquent property taxes on the property, and tenant sought to intervene. The Superior Court appointed a receiver, and denied tenant's motion to remove receiver. Tenant appealed. The Appellate Court affirmed in part and reversed in part. Town sought certification to appeal, which was granted.

The Supreme Court of Connecticut held that:

- Receiver of rents was permitted to collect all rents, including back rent owed, but
- Receiver of rents was not permitted to evict tenant or enter into new lease.

Statute that permitted appointment of a receiver of rents when real property taxes due to a municipality were delinquent permitted receiver to collect all rent owed, including back rent, rather than only rent owed subsequent to appointment of receiver, where statute permitted receiver to collect "all rents" and to collect rents "in place of the owner," who undoubtedly would have been entitled to collect past and presently due rent.

Receiver's responsibilities under statute that permitted appointment of a receiver of rents when real property taxes due to a municipality were delinquent were limited to collecting rents, that in turn were to be used to pay taxes and utilities, due after the date of the receiver's appointment, and therefore receiver was not permitted to evict tenant and secure new tenant, where statute only expressly permitted receiver to collect funds and make payment, and there was no authorization to evict a tenant or to enter into a new lease.