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IN THE CANTON MUNICIPAL COURT

STARK COUNTY, OHIO

STARK METROPOLITAN HOUSING
AUTHORITY,

CASE NO. 91 CVG 5767

Plaintiff,

vs.

JUDGMENT ENTRY

WENDALINE GWIN,

Defendant.

Defendant's Objection to the Referee's Report is sustained and the Court dismisses plaintiff's complaint. Ohio Revised Code Section 5321.11 is applicable to this case. The statute provides that if the tenant fails to fulfill any obligation imposed upon him by O.R.C. 5321.05 that materially affects health or safety, the landlord is to provide a thirty (30) day notice to the tenant outlining the act that constitutes noncompliance. The notice must provide thirty days for the tenant to remedy the condition.

In the instant action the landlord failed to do a follow-up inspection at the end of the 30 day period to determine if the defendant had cured the conditions objected to by the landlord. The landlord did not provide the tenant with the opportunity to cure.

Defendant has indicated she cured the conditions and no evidence was provided that she did not.

November 14, 1991



JUDGE MARY A. FALVEY
CANTON MUNICIPAL COURT

cc: Wirtz
Redinger