

CLEVELAND HEIGHTS MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

Phillip Cotton *et al.*  
Plaintiffs

vs.

Naomi McQueen  
Defendant

MAGISTRATE'S DECISION  
FORCIBLE ENTRY AND DETAINER

CASE NO. CVG 0700796

This matter came on for hearing on July 10, 2007, before Georgeann Schmidt, duly appointed Magistrate, to whom this matter was referred. Plaintiffs appeared pro se. Defendant appeared with counsel, Howard G. Strain, Esq.

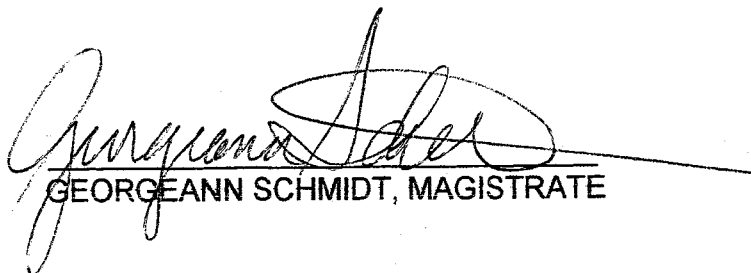
Plaintiffs (landlords) own residential property located in Cleveland Heights, Ohio. Defendant (tenant) was residing in the premises when the plaintiff's purchased the property. The tenant is a recipient of the Housing Choice Voucher Program (formerly known as Section 8 Housing Assistance) and a portion of the rent is paid by CMHA.

Plaintiffs requested an order of the court restoring possession of the premises to them based on the tenant's failure to pay rent. Plaintiff served the tenant with a notice to vacate the premises prior to the filing of the complaint but did not serve a copy of that notice on CMHA.

24 CFR882.215(c)(4) mandates that the Owner must notify the Public Housing Authority in writing of the commencement of procedures for termination of tenancy at the same time that the owner gives notice to the tenant under State or local law.

The magistrate finds that a copy of the Notice to Leave the Premises was not given to CMHA as required by law. The court does not have subject matter jurisdiction to order the relief requested in plaintiffs' first cause of action.

Defendant's Motion to Dismiss the first cause of action is granted. The second cause of action will be set for case management conference. The clerk will notify the parties.

  
GEORGEANN SCHMIDT, MAGISTRATE

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CLEVELAND HEIGHTS  
MUNICIPAL COURT  
CLERK OF COURTS