

IN THE MUNICIPAL COURT OF DAYTON, OHIO  
CIVIL DIVISION

MAINTENANCE  
ON SEP 19 11:10:25  
MUNICIPAL COURT

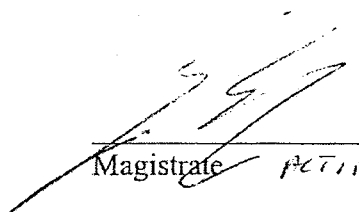
Ramona Kosak., : Case No. 04-CVG-5145  
Plaintiff, :  
vs. : MAGISTRATE'S  
 : DECISION  
Quanita Sadler, et al., :  
Defendants. :

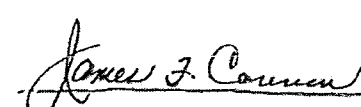
This matter came on for Trial on July 23, 2004, at which time the parties were present and represented by counsel. At the conclusion of the Plaintiff's case, Defendant moved this Court for an Order dismissing the Plaintiff's claim for restitution. The Court took the Defendant's Motion under advisement and requested that each party file appropriate Briefs addressing the legal issues presented. Admitted into evidence were Plaintiff's Exhibit 1, being the Notice to Leave the Premises. The Plaintiff's Complaint is based upon nonpayment of rent. Although portions of the written Lease Agreement are attached to Plaintiff's Complaint, the Lease Agreement was not admitted into evidence. Plaintiff testified that she did receive rent from the Housing Authority for the subsidized portion of Defendant's rent. At no time did the Plaintiff identify the specific subsidy under which the tenant occupies the premises. As such, this Court is unable to determine if the appropriate portions of the applicable Federal regulations have been complied with with respect to notice. The failure to comply with any precondition of termination in the Section 8 Program deprives the Court of subject matter jurisdiction. Plaintiff has also failed to establish that the applicable public housing authority was given any Notice and as such, the Plaintiff's Complaint must fail. The Defendant's Motion to Dismiss is hereby granted and this Complaint is dismissed without prejudice at Plaintiff's cost.

IT IS SO ORDERED.

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Attorney for Plaintiff  
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Dayton, Ohio 45407

Debra a. Lavey  
Attorney for Defendant  
LEGAL AID OF WESTERN OHIO  
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Magistrate *ACTING*

  
Judge