

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

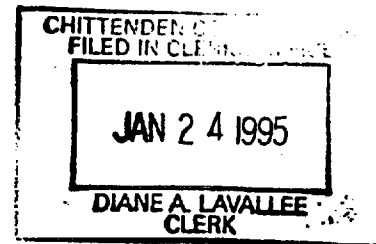
SUPERIOR COURT
Docket No. S0441-94 CnC

NORTHGATE HOUSING LTD.

v.

KRISTA MCLEOD

OPINION AND ORDER



Plaintiff Northgate Housing initiated this eviction action against Defendant Krista McLeod after defendant's fiance, Mathew Morgan, moved into her apartment. Both parties have moved for summary judgment.

Defendant and her son have been residing at Northgate since October, 1989 and have received rental assistance under the Section 8 program of the Department of Housing and Urban Development (HUD) since 1990. On December 16, 1993, Morgan moved into the apartment with defendant. Defendant notified plaintiff of the change in the household number and Morgan completed an application for plaintiff on December 22. Plaintiff denied Morgan's application on December 23, claiming that the denial was due to a poor credit history. Then, plaintiff sent an eviction notice to defendant on January 3, 1994, which stated the eviction was caused by defendant "having an unauthorized person living with you in your apartment."

Defendant later learned that plaintiff's agent had contacted Morgan's probation officer on December 15, 1993, prior to Morgan actually moving into the apartment and completing the application. Plaintiff's agent requested information about

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