

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17

AMY JEAN JOHNSON
APPELLANT,

VS

LOGAN AUSTIN NICHOLAS
APPELLEE,

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C.A. No. JP17-22-001172

TRIAL DE NOVO

Submitted: JUNE 14, 2022

Decided: JUNE 15, 2022

APPEARANCES:

Both Parties, Pro Se

Richard D. Comly, Justice of the Peace
Bethany Fiske, Justice of the Peace
John C. Martin, Senior Justice of the Peace

MARTIN FOR THE COURT

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY
COURT NO. 17

CIVIL ACTION NO: JP17-22-001172

AMY JOHNSON VS LOGAN NICHOLS

ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

HISTORY

On March 28, 2022 the plaintiff filed this action seeking to recover unpaid rent and possession of a rented room in her residence. The plaintiff's initial claim was for unpaid rent of \$2,100.00. On May 5, 2022 trial was held in this matter and on May 10, 2022 judgment was entered on behalf of the defendant. On May 12, 2022 the plaintiff filed a timely appeal of this judgment pursuant to Section 5717 of Delaware's Landlord-Tenant Code (Code). This is the decision of the three Judge Panel hearing this appeal as a trial de novo.

DISCUSSION

The plaintiff testified that she is the defendant's mother and he pays weekly rent of \$100.00 to occupy a room in her residence at 22236 Callaway Avenue, Seaford, Delaware. On December 3, 2021 she sent the defendant a Notice to Quit for unpaid rent of \$900.00 covering the period from September 19, 2021 to November 27, 2021. She did not introduce this Notice into evidence. The defendant continues to reside in this residence and does not pay the weekly rent. The plaintiff did not provide a statement of the rent amount currently due.

The defendant provided credible testimony that he regularly offers the plaintiff the weekly rent that she is owed but she refuses to accept it.

Section 5502 of the Code provides the remedy for landlords when tenants fail to pay rent. The requirements include a notice letter specifying the amount due and the time by which the rent must be paid.

At the trial de novo before the Panel, the plaintiff failed to provide either the five-day notice required by the Code or the amount of unpaid rent she was seeking.

ORDER

After considering all the evidence presented, the Court finds that the plaintiff failed to meet her burden by a preponderance of the evidence. Therefore, judgment is entered on

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behalf of the defendant and against the plaintiff. Possession of the rented room remains with the defendant.

IT IS SO ORDERED 15th day of June, 2022

John C. Martin
Senior Justice of the Peace



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).