

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CIVIL DIVISION: HOUSING

Lenore Matthews Collaso
and Lavelle Collaso,

Plaintiff,

VERIFIED PETITION FOR
EMERGENCY TENANT
REMEDIES ACTION

v.

Anna Ovsyannikova
and Yevgeniy Ogranovich

Defendants.

Case No.

Lavelle Collaso hereby states upon oath:

1. This action is brought under Minn. Stat. §504B.381 to obtain relief due to the fact that Plaintiff and his family have been instructed to vacate the property Plaintiff is renting at 670 5th Street E., St. Paul MN 55106 due to longstanding repair issues found by the City of St. Paul, resulting in the revocation of the certificate of occupancy for this property on January 7, 2015 with a vacate date of February 9, 2015. (see Exhibit A).

2. Plaintiff is a tenant living at 670 5th Street E., St. Paul MN 55106.

3. The name and address of the owner and/or management of the property is:

Anna Ovsyannikova
Yevgeniy Ogranovich
2718 Clare Lane
Mound, MN 55364-1812

4. Plaintiff's rent is \$1,300 per month.

5. The following facts and grounds demonstrate the existence of an emergency for which Defendants are responsible: The property has had the certificate of

occupancy revoked and a vacate order set for February 9, 2015. Plaintiff has been renting this property since August 8, 2014 as a residence for himself, his wife, and their four minor children. The leasing of the property is governed in part by the Covenants of Habitability as iterated in Minn. Stat. §504B.161. The Landlord's violation of the Covenants of Habitability will cause Plaintiff and his family to suffer homelessness if the repairs required by the City are not made.

6. The fair market value of this property is \$77,800 (See Exhibit B).
7. No judgment and writ of restitution have been issued under Minn. Stat. §504B.345 in favor of the owner and against the Plaintiffs.
8. Before presenting this Petition to the court, the following attempts were made to notify Defendants of the intent of Plaintiff to seek the emergency relief requested below:
 - a. On February 10th at approximately noon, counsel for Plaintiff called Defendant;
 - b. On February 10th at approximately 1:00 PM Plaintiff's attorney sent a letter to Defendant requesting all repairs ordered by the City of St. Paul to be made, and informing Defendants of Plaintiff's intent to file an Emergency Tenant Remedy Action (ETRA) at 1:30 p.m. on Wednesday, February 11, 2015 via e-filing if the necessary repairs were not made by this date and time. (See Exhibit C).
9. The above stated emergency was not the result of the deliberate or negligent act or omission of Plaintiff or anyone acting under the direction or control of Plaintiff.

WHEREFORE, PLAINTIFFS PRAY FOR THE FOLLOWING RELIEF:

1. Order the landlord to make the necessary repairs to reinstate the Certificate of Occupancy.
2. Order that the matter be set for a compliance hearing in front of the Housing Court at the earliest possible time.
3. Order that no rent is due until the Certificate of Occupancy is reinstated.
4. Order that if Plaintiff must leave while repairs are completed or because repairs are not completed, Defendant shall relocate Plaintiff in an apartment/hotel/motel until the emergency is resolved, and that Defendant prepay the charge for the hotel/motel.
5. Order that if Defendant does not complete repairs as ordered by the Court, the Court may then order:
 - a. That an administrator take over operation of the property to complete repairs and/or correct the problems. Defendant should be advised that failure to correct the violations in a thorough manner could result in legal action under MINN. STAT. §504B.395 *et. seq.* In such a case the court can temporarily take the property away from the Defendant and place the property in an administratorship. In that case the administrator's costs to correct the violations may become a property tax assessment against Defendant's property.
 - b. Order that the administrator may receive funds made available for this by the federal or state governing body or the municipality to the extent necessary to cover the costs described in MINN. STAT. §504B.445, subd. 4(2) and pay for them from funds derived from this source.

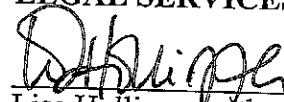
c. A fine against Defendant in favor of Plaintiff under MINN. STAT. § 504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.

6. Other relief the Court deems just and proper.

7. Order that all other issues are reserved for the Housing Court.

The undersigned acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.

**SOUTHERN MINNESOTA REGIONAL
LEGAL SERVICES, INC.**



Lisa Hollingsworth
Attorney for Plaintiff
ID #286163

55 East Fifth Street, Suite 400
St. Paul, MN 55101
Ph: (651) 222-5863
Fax: (651) 297-6457

VERIFICATION AND ACKNOWLEDGMENT

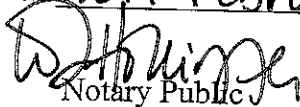
I have read this document and hereby verify and acknowledge that to the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law and is true and correct.

2/10/15
Date

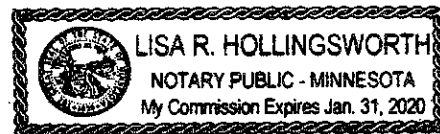


Layelle Collaso

Subscribed and sworn to before me
on 10th February 2015



Notary Public





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

January 7, 2015

ANNA OVSYANNIKOVA
2718 CLARE LN
MOUND MN 55364-1812

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 670 5TH ST E
Ref. # 117821

Dear Property Representative:

Your building was inspected on January 7, 2015, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

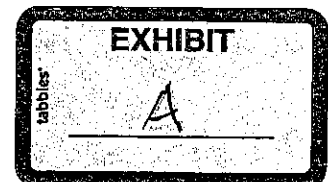
A re-inspection will be made on February 9, 2015 at 2:00 pm or the property vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. 2nd Floor - South Bedroom Entry/Exit Door - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-Install form fitting door. Replace locks on door.
2. 2nd Floor - Water Knob - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-Missing water knob on shower wall.
3. Exterior - Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair or replace under HPC approved permit damaged and missing eaves, fascia, soffits and trim throughout garage.

An Equal Opportunity Employer



4. Exterior - House - SPLC 34.09 (3), 34.33 (3) - Provide or repair and maintain the window screen.-Repair or replace missing or damaged screens and storm windows.
5. Exterior Repairs - House and Garage - HPC Sec. 73.04(4) Review of permits. The commission shall protect the architectural character of heritage preservation sites through review and approval or denial of applications for city permits for exterior work within designated heritage preservation sites. 670 5th Street East located in the Dayton's Bluff Historic District as described in Sec. 74.76 of the Legislative Code.-Contact HPC, fill out application and submit plans to staff 651.266.6715.
6. First floor - Bathroom - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.-
7. Front Door - Aluminum wrap - SPLC 34.09 (1) b,c, 34.33 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-The trim was falling off of the front door and was blowing in the wind.
8. Garage - Carriage Doors - Ext. Door SPLC 34.09 (3), 34.33 (3) - Repair and maintain the door in good condition.-Replace damaged doors under permit.
9. Garage - Foundation Walls - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Seal cracks along foundation walls throughout.
10. Garage - Interior Storage - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Clean out and remove all scattered trash and debris.
11. Garage - North Door Frames - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door frame.-Repair or replace damaged hinges and missing screws on both doors.
12. House - Fascia and Eaves - SPLC 34.09 (1) b,c, 34.33 (1) b, c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Replace missing east fascia covering along 2nd story arch. Replace and repair missing fascia along west 2nd story and falling eaves along west 2nd story.
13. Interior - Access - SPLC 34.19 - Provide access to the inspector to all areas of the building.-Failure to meet the inspector for the scheduled appointment or failure to contact the inspector to reschedule the scheduled appointment will result in enforcement action. No show for scheduled appointment on 11.4.2014 at 1:15 pm.
14. Interior - East Staircase - SPLC 34.10 (3), 34.33(2) - Repair or replace the unsafe stairway in an approved manner.-Replace all weak and soft staircase steps.

15. Interior - Multiple Areas - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.
-Replace chirping smoke detector on basement ceiling. Replace missing CO detector batteries. Replace chirping batteries in main floor east bedroom, 2nd floor north bedroom and 2nd floor east bedroom.

16. Kitchen - Floor Tile - SPLC 34.10 (7), 34.34 (6) - Repair and maintain the floor in an approved manner.-Repair or replace the curling and damaged floor tile.

17. Second floor - Bathroom - SPLC 34.11, MSBC 2902.1, SPLC 34.17, MSPC 415.0220 - Repair or replace and maintain all parts of the plumbing system to an operational condition.-The toilet was loose to the floor.

18. West Exterior - Gas Meter - MSFC 603.9- Call Xcel Energy at 1-800-895-4999 to provide vehicle impact protection for the gas meter.-Install impact protection.

19. West Exterior - Wood Staircase - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-Replace broken bottom wood staircase step.

20. SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.

21. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: george.niemeyer@ci.stpaul.mn.us or call me at 651-266-8991 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

George Niemeyer
Fire Inspector

Ref. # 117821

RAMSEY COUNTY
Property Records & Revenue

2015 Proposed Property Tax
This is NOT a bill – Do Not Pay

60 West Plato Blvd • Saint Paul, MN • Phone: 651.266.2000 • Web: www.co.ramsey.mn.us/pr • Email: AskPropertyTaxandRecords@co.ramsey.mn.us



135043*341**50***1.8205**4/6*****AUTO**3-DIGIT 553
ANNA OVSYANNIKOVA
YEVGENY OGRANOVICH
2718 CLARE LN
MOUND MN 55364-1812

PIN/Property Address/Abbreviated Tax Description
322822420012 151
670 5TH ST E
LYMAN DAYTON ADDITION
LOT 7 BLK 26



VALUES AND CLASSIFICATION		
	Tax Payable Year	2014 2015
Step 1	Estimated Market Value	\$54,900 \$77,800
	Green Acres Value	0 0
	Plat Deferral	0 0
	This Old House Exclusion	0 0
	Disabled Vets Value	0 0
	Exclusion	0 0
	Homestead Market Value	0 0
	Exclusion	0 0
	Taxable Market Value	\$54,900 \$77,800
	Property Classification	Res Non-Hstd Res Non-Hstd
Step 2	PROPOSED TAX NOTICE	
		1,288.00
Step 3	PROPERTY TAX STATEMENT	
	Coming in March 2015	
The time to provide feedback on PROPOSED LEVIES is NOW The only way to appeal your value at this time is by going to tax court.		

Proposed Property Taxes and Meetings by Jurisdiction for Your Property

Mailing Address and Phone Numbers	Tax and Budget Meetings and Locations	Column (1) 2014 Tax – Actual	Column (2) 2015 Tax – Proposed
Ramsey County Regional Rail Authority Public Safety Radio System		323.08 23.04	422.24 30.57
Ramsey County Manager's Office 15 W Kellogg Blvd, Suite 250 St Paul, MN 55102 (651) 266 - 2000	Roseville Area High School 1240 County Road B2, Roseville December 1, 2014 – 6:30 p.m.		
ST PAUL City Library CITY OF ST PAUL 15 KELLOGG BLVD W, SUITE 700 ST PAUL MN 55102 (651) 266-8838	CITY HALL COUNCIL CHAMBERS 15 W KELLOGG BLVD ST PAUL MN 55102 DECEMBER 3, 2014 6:30 PM	212.62 40.28	285.18 54.99
State General Tax	No Meeting Required	0.00	0.00
ISD #625 ISD 625 DISTRICT OFFICE 360 COLBORNE ST ST PAUL MN 55102 (651) 767-8346 a. Voter approved levies b. Other local levies	ISD 625 DISTRICT OFFICE 360 COLBORNE ST ST PAUL MN 55102 DECEMBER 2, 2014 6:00 PM	28.53 303.02	46.82 391.80
Metropolitan Special Taxing Districts Metropolitan Council 390 Robert St. N St Paul, MN 55101 (651) 602-1446	December 10, 2014 - 6:00 PM Council Chambers 390 Robert St N St Paul, MN	18.02	23.57
Other special taxing districts	No Meeting Required	23.45	32.83
Tax Increment	No Meeting Required	0.00	0.00
Fiscal disparity	No Meeting Required	0.00	0.00
Total Tax excluding special assessments		972.04	1,288.00
Percent of Tax Change			32.5%

Your local units of government have proposed the amount of property taxes that they will need for 2015. Column (1) above shows your actual 2014 property taxes. Column (2) above shows what your 2015 property taxes will be if your local jurisdictions approve the property tax amounts they are now considering. Any upcoming referendums, legal judgments, natural disasters, voter approved levy limit increases, or special assessments could change these amounts.

Your county commissioners, school board, city council, and metropolitan special taxing districts will soon be holding public meetings to discuss their proposed 2015 budgets and proposed 2015 property taxes. The school board will discuss the 2014 budget. You are invited to attend these meetings to express your opinion. The meeting places and times are listed above. Also shown are the addresses and telephone numbers for these local units of government if you have comments or questions concerning the proposed property tax amounts shown on this notice. No meeting is required if your city has a population of less than 500 people. There is also no public hearing on the state general tax.

This is NOT a bill – Do Not Pay
For additional information about this notice, visit: www.co.ramsey.mn.us/pr
Please see the back of this notice for more information on available appeals and programs that may reduce your property tax.

EXHIBIT
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B





Southern Minnesota Regional Legal Services
Saint Paul Central Office
166 East 4th Street, Suite 200
St. Paul, MN 55101
Tel: (651) 222-5863 • Fax: (651) 297-6457
Website: www.smrls.org • Email: central@smrls.org

February 10, 2015

Anna Ovsyannikova
Yevgeniy Ogranovich
2718 Clare Lane
Mound MN 55364-1812

Re: 670 5th Street E, St. Paul MN 55106

Dear Ms. Ovsyannikova and Mr. Ogranovich:

Southern Minnesota Regional Legal Services (SMRLS) represents Lenore Matthews Collaso and Lavelle Collaso, tenants at the above referenced address. As you know, the City of St. Paul has revoked the Certificate of Occupancy for the building and ordered it vacated.

You are the landlord/owner/manager of the property under Minn. Stat. §504B. You are therefore obligated to perform under the "covenants of habitability" as set forth in Minn. Stat. 504B.161 *et. seq.* Under Minnesota law, the covenants of habitability obligate a landlord to keep a unit "fit for the use intended" and compliant with all applicable health and safety codes, amongst other things.

The Minnesota Court of Appeals has recently reiterated a landlord's obligations under the covenants of habitability *Beaumia v. Eisenbraun*, A06-1482 (Minn. App. Sept. 4, 2007). In the *Beaumia* decision, the Court concluded that a landlord who did not have the proper rental license and registration was not entitled to rent. The Court cited to additional Minnesota cases where courts have repeated time and again that a tenant's duty to pay rent is dependent on the landlord's duty to comply with the covenants of habitability.

If you fail to address the necessary repairs sufficient to restore the Certificate of Occupancy, please be advised of our intent to file an Emergency Tenant Remedies Action (ETRA) in no less than 24 hours, pursuant to Minn. Stat. §504B.381 *et. seq.*, if agreement cannot be reached in these matters.

Please take the following remedial action(s):

Make necessary repairs to restore the Certificate of Occupancy. Alternatively, if you are not able to make sufficient repairs within 24 hours, please relocate the tenant, rent free, to a suitable unit or prepay for relocation expenses.

Due to the emergency nature of this problem the tenant does not need to be present when repairs are made. However, if you are not able to provide reasonable notice of your intent to enter, please leave a note stating when you entered and for what purpose pursuant to Minn. Stat. §504B.211.

If the unit is not made habitable within 24-hours, or you do not provide a suitable alternative, SMRLS will file an ETRA via e-filing at approximately 1:30 p.m. on Wednesday, February 11, 2015.

Be aware that under this type of action the Court is authorized to temporarily take the property away from you and place it in administratorship. The administrator's costs may become a special tax assessment against your property.

Also be advised that retaliatory conduct is prohibited under Minn. Stat. §504B.441. Therefore, should you attempt to evict our clients, raise their rent or decrease services, we will zealously represent him in court.



If you have any questions I can be reached at (651) 222-5863. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Hollingsworth". The signature is written in a cursive, flowing style.

Lisa Hollingsworth
Attorney at Law