



JUSTICE OF THE PEACE 2-1

REPAIR & REMEDY

A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code, to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant.

The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. Repair and remedy cases are governed by Rules 500-507 and 509 of Part V of the Rules of Civil Procedure. To extent of any conflict between Rule 509 and the rest of Part V, Rule 509 applies.

LANDLORD'S LIABILITY: A landlord is liable to a tenant to repair or remedy if 1. The tenant has given the landlord proper notice of condition; 2. The condition materially affects the physical health or safety of an ordinary tenant; 3. The tenant has given subsequent written notice to repair or remedy; 4. The landlord has had reasonable time to correct the situation; 5. The landlord has not made and effort to repair or remedy the condition; 6. The tenant was not delinquent in payment of rent at the time notice was given to landlord.

Step 1 - The Plaintiff should complete and submit a petition for Repair & Remedy.

Step 2 – The Court will immediately issue a citation directing the landlord to appear for a trial date, which is no less than 10 days and no more than 21 days from date the petition is filed.

Step 3 – The tenant/plaintiff must appear a trial to present his/her case. If he/she doesn't appear, the Judge may dismiss the case and/or render a judgment.

Step 4 – The Judge will render a judgment. The laws governing Repair and Remedy can be found in Chapter 92 of the TEXAS PROPERTY CODE and Rule 509 of the TEXAS RULES OF CIVIL PROCEDURE. If you have further questions regarding procedures, you may contact our Civil Clerk; however, she CANNOT GIVE LEGAL ADVICE.

Judge Margaret O'Brien, Justice of the Peace 2-1

140 North Garland Avenue Garland TX 75040

Phone: (214) 643-4773 Fax: (214) 643-4772 Website: www.JudgeMO.org

CAUSE NUMBER: JS _____ D

§ IN THE JUSTICE COURT

§

Plaintiff(s)/Tenant(s) Name

§ PRECINCT 2, PLACE 1

§

Vs.

§ DALLAS COUNTY, TEXAS

§

Defendant(s)/Landlord(s)/Property Owner

§

PETITION: REPAIR AND REMEDY CASE

COMPLAINT: Plaintiff files this petition against the above-named Defendant pursuant to Rule 509 of the Texas Rules of Civil Procedure and Section 92.0563 of the Texas Property Code because there is a condition in Plaintiff's residential rental property that would materially affect the health or safety of an ordinary Plaintiff.

Information Regarding Residential Rental Property:

Street Address Unit No. (if any) City County State Zip Code

Defendant's Contact Information (to the extent known):

Street Address Unit No. (if any) City County State Zip Code Phone No.

SERVICE OF CITATION: Plaintiff requests service of the citation on the Defendant, and if required, alternative service pursuant to Rule 509.4 of the Texas Rules of Civil Procedure. Plaintiff will check the box next to each statement that is true: Plaintiff received in writing Defendant's name and business street address. Plaintiff received in writing the name and business street address of Defendant's management company. The name of Defendant's management company is _____. To Plaintiff's knowledge, this is the management company's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

The name of Defendant's on-premises manager is _____. To Plaintiff's knowledge, this is the on-premises manager's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

The name of Defendant's rent collector serving the residential rental property is _____. To Plaintiff's knowledge, this is the rent collector's contact information:

Street Address Unit No. (if any) City County State Zip Code Phone No.

PROPERTY CONDITION: The property condition materially affecting the physical health or safety of an ordinary Plaintiff that Plaintiff seeks to have repaired or remedied is:

LEASE AND NOTICE: Plaintiff will check the box next to each statement that is true:

The lease is oral. The lease is in writing. The lease requires the notice to repair and remedy a condition to be in writing. Plaintiff gave written notice to repair or remedy the condition on _____. The written notice to repair or remedy the condition was sent by certified mail, return, receipt requested, or registered mail on _____. Plaintiff gave oral notice to repair or remedy the condition on _____. Name of person(s) to whom notice was given: _____ . Place where notice was given: _____

RENT: At the time Plaintiff gave notice to repair or remedy the condition, Plaintiff's rent was:

current (no rent owed); not current but Plaintiff offered to pay the rent and Defendant did not accept it; or not current and Plaintiff did not offer to pay the rent owed.

Plaintiff's rent is due on the ____ day of the month week _____ (specify any other rent-payment period). Plaintiff's rent is \$_____ per month week _____ (specify any other rent-payment period). Plaintiff's rent: is not subsidized by the government is subsidized by the government as follows, if known: \$_____ paid by the government, and \$_____ paid by Plaintiff.

RELIEF REQUESTED: Plaintiff requests the following relief (check all that apply): a court order to repair or remedy the condition; a court order reducing Plaintiff's rent in the amount of \$ _____ to begin on _____; actual damages in the amount of \$ _____; a civil penalty of one month's rent plus \$500; attorney's fees; and court costs. Plaintiff states that the total relief requested does not exceed \$10,000, excluding interest and court costs but including attorney's fees.

I hereby request a jury trial. The fee is \$22 and must be paid at least 14 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: _____

Respectfully Submitted

Plaintiff/Plaintiff's authorized Agent, or Attorney

Street Address / City / State / Zip / Country

Phone Number / Fax Number / Email