

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Mills v. Lawrence & LeClair, Inc. and City of Burlington Housing Board of Review

Mills · No. 25-CV-04839 · Decided June 24, 2026

SUMMARY

The Vermont Superior Court reviewed an appeal from the City of Burlington Housing Board of Review concerning allocation of tenant relocation expenses after suspension of a certificate of compliance. The court held that the Burlington Code of Ordinances did not preclude the Board from dividing relocation costs between the tenant and property owner where both bore responsibility for the conditions requiring relocation. The court affirmed the Board’s decision and denied the tenant’s motion to strike the owner’s appellate brief.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Megan J. Shafritz
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	June 24, 2026
DOCKET	25-CV-04839
DISPOSITION	affirmed
PROCEDURAL POSTURE	Administrative appeal under Vermont Rule of Civil Procedure 74 from the Burlington Housing Board of Review’s decision allocating relocation expenses equally between the tenant and property owner.
STANDARD OF REVIEW	On-the-record and deferential review of the agency decision; the court determines whether the Board committed legal error or made findings unsupported by the evidence, does not reweigh evidence or assess witness credibility, and generally sustains the agency’s interpretation and application of its own regulations absent a compelling indication of error.
PRECEDENTIAL VALUE	unpublished trial-court opinion; precedential status unknown
PARTIES	John Mills v. Lawrence & LeClair, Inc., City of Burlington Housing Board of Review

TOPICS

judicial review of agency action

agency adjudication

appellate procedure

standard of review

ordinances

PRACTICE AREAS

administrative law

appellate procedure

municipal law

landlord tenant

real estate

QUESTIONS PRESENTED

1. Whether Burlington Code of Ordinances sections 18-20(f) and 18-28(a) required either the owner or the tenant to bear all relocation costs and prohibited the Board from allocating those costs between them.
2. Whether the Board's equal allocation of relocation costs was supported by the record and consistent with the Board's authority and the deferential standard of review.
3. Whether the owner's appellate brief should be stricken under Vermont Rule of Civil Procedure 12(f).

HOLDINGS

1. The Burlington Code of Ordinances does not preclude the Housing Board of Review from ordering the tenant and owner to split relocation costs when both bear responsibility for the circumstances requiring relocation.
2. The Board's decision to split relocation costs equally was supported by the evidence and was not legal error.
3. The motion to strike was denied because Mills did not identify a proper procedural basis under Vermont Rule of Civil Procedure 12(f).

KEY QUOTATIONS

“Rule 74 appeals are “on the record and not de novo.”” (at 3)

“The Board found that the owner is ultimately responsible for the condition of the building” (at 3)

“Contrary to Mills’ argument, nothing in the B.C.O. precludes the Board from ordering that the tenant and the owner split the cost of relocation.” (at 4)

“For the foregoing reasons, the decision of the Burlington Housing Board of Review is AFFIRMED.” (at 4)

FACTUAL BACKGROUND

Lawrence & LeClair, Inc. owned a Burlington property occupied by John Mills as a month-to-month tenant. The property's Certificate of Compliance had expired, the unit had broken windows and other code deficiencies, and the owner did not complete correction orders or replace the currently broken windows. The Board found that both Mills and the owner bore responsibility for the circumstances requiring Mills's relocation, and it ordered the relocation costs divided equally.

PROCEDURAL HISTORY

The Burlington Housing Board of Review held a hearing on September 8, 2025, and issued a decision on October 6, 2025. The Board suspended the property's Certificate of Compliance until the owner replaced broken windows and ordered the owner to pay one-half of the tenant's relocation costs. John Mills appealed under Rule 74, and the Superior Court affirmed the Board's decision. The court also denied Mills's motion to strike the owner's appellate brief.

DISPOSITION

affirmed

CASES CITED

- Bandler v. Charter One Bank, No. 2016-308, 2017 WL 1106269, at *3 (Vt. Mar. 24, 2017) (unpub. mem.)
- In re Soon Kwon, 2011 VT 26, 189 Vt. 598 (mem.)
- Conservation Law Found. v. Burke, 162 Vt. 115, 125, 645 A.2d 495, 501 (1993)
- Ramos v. Niquette, No. 2020-059, 2020 WL 4731891, at *1 (Vt. Aug. 2020) (unpub. mem.)
- In re Williston Inn Grp., 2008 VT 47, 183 Vt. 621 (mem.)
- Sweet v. Pierre, 2018 VT 122, 209 Vt. 1
- Judicial Watch, Inc. v. State, 2005 VT 108, 179 Vt. 214