

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

Gotlieb v. Brown

Gotlieb v. Brown · No. 25-CV-05295 · Decided February 25, 2026

SUMMARY

The Vermont Superior Court grants the defendant's motion to dismiss an eviction action because the landlord served the termination notice by email rather than by hand delivery or mail, as required by the Vermont Residential Rental Agreements Act. The court dismisses the action without prejudice for lack of subject matter jurisdiction and dismisses the plaintiff's motions for default judgment and to supplement the record as moot.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Colin Owyang
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	February 25, 2026
DOCKET	25-CV-05295
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an eviction action under the Vermont Residential Rental Agreements Act. Defendant moved to dismiss under Vermont Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction based on allegedly defective termination notice. Plaintiff opposed and filed motions for default judgment and to supplement the record.
STANDARD OF REVIEW	The court considered the sufficiency of the termination notice under a Rule 12(b)(1) subject-matter-jurisdiction motion to dismiss.
PRECEDENTIAL VALUE	unknown
PARTIES	Daniel Gotlieb v. Edward Brown

TOPICS

- eviction
- landlord tenant
- subject matter jurisdiction
- motions to dismiss
- statutory interpretation

PRACTICE AREAS

- landlord-tenant
- civil procedure
- real estate

QUESTIONS PRESENTED

1. Whether the superior court had subject matter jurisdiction over the eviction action when the landlord served the termination notice by email rather than by hand delivery or mail to the tenant's last known address.
2. Whether Gotlieb's motions for default judgment and to supplement the record remained viable after dismissal of the eviction action.

HOLDINGS

1. A Vermont superior court lacks subject matter jurisdiction over an eviction action unless the landlord strictly complies with the statutory eviction procedures, including the applicable notice requirements.
2. A showing that the tenant was not actually prejudiced does not excuse noncompliance with the statutory method of serving an eviction notice.
3. The plaintiff's second motion for default judgment and motion to supplement the record were moot after dismissal of the eviction action.

KEY QUOTATIONS

“The Vermont Supreme Court “agree[s] generally” “that the superior court has no jurisdiction over an eviction action unless proper notice is served in accordance with statutory requirements.”” (Discussion)

“Our state’s highest court has made clear that the RRA demands a “‘landlord's punctilious compliance with all statutory eviction procedures, including notice provisions.’”” (Discussion)

“Because of the inadequacy of Gotlieb’s termination notice to Brown, this court lacks subject matter jurisdiction and dismisses this case without prejudice under Rule 12(b)(1).” (Order)

FACTUAL BACKGROUND

Gotlieb sought to terminate Brown's tenancy under 9 V.S.A. § 4467(b)(2). The termination notice was sent to Brown's email address rather than hand-delivered or mailed to Brown's last known address, and Gotlieb acknowledged that he did not provide the statutory actual notice. Gotlieb's complaint consisted of eleven words and did not allege how the notice was served.

PROCEDURAL HISTORY

Gotlieb filed an eviction action against Brown. Brown moved to dismiss, arguing principally that Gotlieb failed to provide the statutory actual notice required to terminate the tenancy. The court granted the motion to dismiss without prejudice for lack of subject matter jurisdiction and dismissed Gotlieb's other motions as moot.

DISPOSITION

dismissed

CASES CITED

- Andrus v. Dunbar, 2005 VT 48, ¶¶ 9-10, 178 Vt. 554
- In re Soon Kwon, 2011 VT 26, ¶¶ 13-15, 189 Vt. 598
- Vermont Small Bus. Dev. Corp. v. Fifth Son Corp., 2013 VT 7, ¶ 15, 193 Vt. 185
- Panagiotidis v. Galanis, 2015 VT 134, ¶ 9, 201 Vt. 57

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/vermont-superior-court-civil-division-chittenden-unit-vermont-superior-court-civil-division-chittend/2026/gotlieb-v-brown-g0np7r2w>