

SUPREME COURT OF CONNECTICUT

TOV Realty, LLC v. Suarez

TOV Realty, LLC v. Suarez · No. SC 21183 · Decided June 9, 2026

SUMMARY

The Connecticut Supreme Court held that a trial court has inherent authority to stay a summary process action pending resolution of an administrative appeal from a fair rent commission decision involving the same premises. The court concluded that the commission’s determination of the proper rent could affect the merits of nonpayment and retaliation defenses and that the trial court did not abuse its discretion in granting the stay. The court declined to address constitutional challenges and the commission’s authority to issue a cease and desist order because those issues were not properly presented for review.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Connecticut                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Mullins, C. J.; McDonald, J.; D’Auria, J.; Ecker, J.; Alexander, J.; Dannehy, J.; Bright, J.                                                                                                                                                                                   |
| JURISDICTION          | Connecticut Supreme Court                                                                                                                                                                                                                                                      |
| DECIDED               | June 9, 2026                                                                                                                                                                                                                                                                   |
| DOCKET                | SC 21183                                                                                                                                                                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Interlocutory public-interest appeal under General Statutes § 52-265a from an order staying a summary process action for nonpayment of rent pending resolution of an administrative appeal from a fair rent commission decision.                                               |
| STANDARD OF REVIEW    | The existence of inherent or statutory authority to grant a stay is reviewed plenary; the decision to grant a stay is reviewed for abuse of discretion, guided by the interests of justice and the balancing of the interests of the litigants, nonparties, public, and court. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                      |
| PARTIES               | TOV Realty, LLC v. Angel Suarez                                                                                                                                                                                                                                                |

TOPICS

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## PRACTICE AREAS

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## QUESTIONS PRESENTED

1. Whether the Superior Court had inherent or statutory authority to stay a prejudgment summary process action pending resolution of an administrative appeal from a fair rent commission decision.
2. Whether the trial court abused its discretion by staying the summary process action.
3. Whether the Hartford Fair Rent Commission had authority to order the landlord to cease and desist from bringing or to withdraw the summary process action.
4. Whether the fair rent commission statutes were unconstitutional or violated separation of powers.

## HOLDINGS

1. The Superior Court has inherent authority to manage its docket by granting an appropriate prejudgment stay or continuance in a pending summary process action; the postjudgment stay statutes, General Statutes §§ 47a-35 and 47a-39, do not limit that authority, and no statute deprives the court of it.
2. The trial court did not abuse its discretion in staying the summary process action pending resolution of the administrative appeal.
3. A fair rent commission's ruling is relevant, at minimum as evidence, to whether a tenant has fulfilled the obligation to pay rent in a summary process action for nonpayment.
4. The court declined to reach the challenges to the commission's cease-and-desist authority and the constitutionality of the fair rent commission statutes.

## KEY QUOTATIONS

*“There is no statute depriving the Superior Court of its authority to issue an order granting a motion to stay a summary process action when such order is proper under the applicable legal standards.” (part II A)*

*“In particular, the Hartford commission’s decision, as challenged in the administrative appeal, pertains directly to issues regarding nonpayment of rent and retaliation under §§ 47a-20, 47a-20a and 47a-33, and involves the same parties or parties with identical interests as the parties to this summary process action.” (part II A)*

*“The trial court’s decision to grant the motion for a stay is affirmed.” (part II B)*

## FACTUAL BACKGROUND

TOV Realty leased Suarez an apartment for a stated monthly rent of \$1,050, subject to a concession reducing the rent to \$700 during the initial one-year term. After the landlord proposed increasing the rent, Suarez filed a complaint with the Hartford Fair Rent Commission, which later found the proposed increase unfair, set the rent at specified amounts, and found retaliation based on the landlord's eviction efforts. The landlord served Suarez

with a notice to quit and filed a summary process action for nonpayment of rent while also pursuing an administrative appeal from the commission's decision. The trial court stayed the summary process action pending that administrative appeal.

## PROCEDURAL HISTORY

Suarez's landlord commenced a summary process action after serving a notice to quit for nonpayment of rent. Suarez asserted retaliatory-eviction and equitable defenses and moved to stay the action pending the landlord's administrative appeal from a Hartford Fair Rent Commission decision concerning the rent and alleged retaliation. The Superior Court, Housing Session, granted the stay and denied reconsideration. After certification by the Chief Justice under § 52-265a, the landlord appealed to the Connecticut Supreme Court, which affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Halladay v. Commissioner of Correction, 340 Conn. 52, 67, 262 A.3d 823 (2021)
- In re Ivory W., 342 Conn. 692, 695, 729-30, 271 A.3d 633 (2022)
- Citibank, N.A. v. Lindland, 310 Conn. 147, 166, 75 A.3d 651 (2013)
- In re Henry P. B.-P., 327 Conn. 312, 324-25, 173 A.3d 928 (2017)
- Waterbury Twin, LLC v. Renal Treatment Centers-Northeast, Inc., 292 Conn. 459, 466, 974 A.2d 626 (2009)
- Visco v. Cody, 16 Conn. App. 444, 445-46, 450 n.7, 547 A.2d 935 (1988)
- Mobilia, Inc. v. Santos, 4 Conn. App. 128, 130, 492 A.2d 544 (1985)
- Almada v. Wausau Business Ins. Co., 274 Conn. 449, 456, 876 A.2d 535 (2005)
- Alteri v. Layton, 35 Conn. Supp. 261, 264-65, 408 A.2d 18 (1979)
- Correa v. Ward, 91 Conn. App. 142, 147-49, 881 A.2d 393 (2005)
- Holdmeyer v. Thomas, 167 Conn. App. 544, 546-47, 549, 144 A.3d 1052 (2016)
- Kelsey v. Commissioner of Correction, 343 Conn. 424, 433-34, 274 A.3d 85 (2022)
- Grateful Holdings, LLC v. Housing & Fair Rent Commission, Docket No. HHB-CV-XX-XXXXXXX-S, 2025 WL 1378954, \*3 (Conn. Super. May 6, 2025)
- Century Hills Property Owner, LLC v. Wong, Docket No. NBH-CV-23-6009980-S, 2023 WL 4073599, \*2-3 (Conn. Super. June 14, 2023)
- Prevedini v. Mobil Oil Corp., 164 Conn. 287, 290-93, 320 A.2d 797 (1973)
- Young v. Young, 249 Conn. 482, 490-96, 733 A.2d 835 (1999)
- Fellows v. Martin, 217 Conn. 57, 61-62, 66-67, 584 A.2d 458 (1991)
- Bridgeport Harbour Place I, LLC v. Ganim, 269 F. Supp. 2d 6, 8-11 (D. Conn. 2002)
- Tyler v. Shenkman-Tyler, 115 Conn. App. 521, 529-31, 973 A.2d 163 (2009), cert. denied, 293 Conn. 920, 979 A.2d 493 (2009)

- *KI, Inc. v. KP Acquisition Partners, LLC*, Docket No. X05-FST-CV-09-60027474-S, 2010 WL 4276764, \*5 (Conn. Super. Sept. 24, 2010)
- *Boccanfuso v. Daghoghi*, 337 Conn. 228, 239-42, 253 A.3d 1 (2020)
- *State v. Lebrick*, 334 Conn. 492, 521 n.16, 223 A.3d 333 (2020)
- *U.S. Bank National Assn. v. Crawford*, 333 Conn. 731, 745, 219 A.3d 744 (2019)
- *Wendy V. v. Santiago*, 319 Conn. 540, 543-45, 548, 125 A.3d 983 (2015)
- *Rode v. Adley Express Co.*, 130 Conn. 274, 277, 33 A.2d 329 (1943)
- *Groth v. Redmond*, 24 Conn. Supp. 467, 468-69, 194 A.2d 531 (1962)

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