

# Oneida Appeals Commission

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## Trial Court

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Tracy L. Metoxen,

Petitioner

Docket No. 05-TC-019

vs.

Oneida Housing Authority,

Respondent

Date: March 17, 2005

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### Decision

This case has come before the Oneida Appeals Commission Trial Court. Judicial Officers Mary Adams, Janice McLester, and Winnifred Thomas presiding.

### I Background

On February 11, 2005, Petitioner, Tracy L. Metoxen, filed for a Temporary Restraining Order against the Respondent, Oneida Housing Authority. Petitioner currently resides at 2921 Commissioner Street, Oneida, Wisconsin. A hearing was held on February 24, 2005 to decide if Petitioner would proceed with the application for a preliminary injunction.

### II Issue

Does Respondent have sufficient cause to evict Petitioner?

### III Analysis

Petitioner's request for a Temporary Restraining Order (TRO) was not considered by the court because the Oneida Housing Authority (OHA) granted the TRO when she notified the OHA of her filing an appeal with the Appeals Commission. memo from OHA dated February 3, 2005.

Respondent alleged that Petitioner breached her contract/Rental Agreement twice, first when her

monthly rent of \$50.00 was not paid and secondly when her utilities bill was not paid. Respondent's documentation titled Tenant History supports that Petitioner has been in arrears several times within her four plus years as a tenant. In addition, Respondent has provided documentation that Petitioner is in arrears with her utilities for Oneida Utilities and Wisconsin Public Service for the total amount of \$2,025.10.

On January 12, 2005 Respondent sent a "Fourteen-Day Termination Notice of OHA Rental Agreement" to Petitioner by way of certified mail, which gave Petitioner 14 days to vacate and a notice of the OHA Board of Commissioner's Appeal Hearing. On January 24, 2005 the Oneida Housing Authority Board of Commissioners (OHA Board) held a hearing to discuss the termination of Petitioner's rental agreement. On February 3, 2005 notice was sent by way of certified mailing to Petitioner containing the OHA Board of Commissioner's decision to uphold the termination of Petitioner's rental agreement and approve the eviction notice.

Respondent provided sufficient documentation to show cause to evict Petitioner. Respondent provided notice, documentation and opportunity for appeal to the OHA Board of Commissioners and then to the Appeals Commission. Petitioner's request for an Injunction is denied. In accordance with the Rules of Civil Procedure, Rule 31(B)3b<sup>1</sup>, the order may be dissolved by the trial court.

#### **IV Decision**

Respondent's decision affirmed. Petitioner's request for an Injunction is denied.

It is so ordered.

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<sup>1</sup> Rule 31 Injunctions, (B)3b: The party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and if not, the order shall be dissolved by the trial court.