

Housing Court Department Commonwealth of Massachusetts

Plaintiff: Chad Phillips

Defendants: Wilgens Joseph / Berline Joseph

Property Address:

26 Sanderson Avenue

Lynn, Massachusetts

Plaintiff's Evidence Packet

Small Claims – Rent Abatement and Property Damage

Hearing Date: June 30th, 2026, 9am

Docket: 26H77SC000058

Statement of Claim

Plaintiff rented at 26 Sanderson Avenue, Lynn, MA beginning October 15, 2025 at \$900/month. During the tenancy, the premises had serious unresolved defects, including repeated roof leaks causing water to drip onto Plaintiff's bed and mattress, and a promised downstairs bathroom that was never made functional.

Plaintiff notified Defendant promptly and repeatedly, beginning October 31, 2025, including text notice, a written repair request dated November 26, 2025, and a Chapter 93A demand letter dated January 7, 2026. The leak recurred on multiple occasions over approximately three months, damaged Plaintiff's mattress, disrupted use of the bedroom, and substantially interfered with Plaintiff's use and enjoyment of the premises. Defendant acknowledged the issues and promised repairs, but failed to correct them within a reasonable time.

Plaintiff vacated on January 31, 2026 due to the unresolved conditions. Defendant also retained Plaintiff's prepaid February 2026 rent/last month's rent of \$900, despite Plaintiff not occupying the premises in February.

Defendant's acts and omissions breached the implied warranty of habitability and caused damages. Plaintiff seeks rent abatement, property damage, return of prepaid February rent, and any other relief the Court deems proper.

Damages: rent paid \$3,150; 45% abatement \$1,417.50; mattress damage \$300; unreturned prepaid February rent \$900. Total requested: \$2,617.50.

Exhibit index

Exhibit	Description
1	Lease Agreement
2	Rent Payment History
3	Repair Demand Email (Nov 26, 2025)
4	Text Message History
5	Board of Health Complaint, Inspection Report
6	Leak/Bathroom Photographs
7	Mattress Receipt
8	Chapter 93A Demand Letter
9	Certified Mail Tracking
10	Notice of Termination of Tenancy
11	Prepaid Rent Email
12	Move-Out Confirmation
13	Detailed Timeline
14	Wilgens Contractor Credentials
15	Wilgens Employment Evidence

Timeline of Key Events

Date	Event
Sep 25, 2025	Lease agreement signed, promise of working 2 nd bathroom by Oct 31 st .
Oct 15, 2025	Tenancy begins
Oct 31, 2025	First roof leak reported; water dripping onto bed
Nov 16, 2025	Second roof leak reported
Nov 26, 2025	Formal written repair request sent
Dec 2, 2025	Third leak reported; mattress soaked
Dec 12, 2025	Lynn Board of Health inspection identifies violations
Jan 7, 2026	Chapter 93A demand letter sent by certified mail
Jan 31, 2026	Tenant vacates premises
Feb 3, 2026	Photos show ceiling not properly repaired

Damages Summary

Affected Period: Oct 31 – Jan 31 (~3.5 months)

Rent Paid During Period: $\$900 \times 3.5 \text{ months} = \$3,150.00$

Category	Calculation	Amount
Rent Abatement (45%)	$\$3,150.00 \times 0.45$	\$1,417.50
Mattress Damage	Receipt attached	\$300
Feb. Prepaid Rent	100%	\$900
Total Damages Requested	—	\$2,617.50