

## **A jury unanimously agrees that COVID-19 protections do not give tenants the license to create mischief or cause damage to the rental property with impunity**

*In Yao v. Lauchung, our firm successfully argued that the defendant tenant created a nuisance, entitling the landlord to recover possession of the premises.*

**San Francisco, CA December 11, 2020** – Bornstein Law, a boutique real estate firm with offices in San Francisco and Oakland, has continued its outstanding record of success in advocating for the rights of rental property owners by securing a judgment against a tenant who habitually wasted water at the premises owned by our client.

For founding attorney Daniel Bornstein, the verdict sends an encouraging signal to owners who have felt hamstrung to recover possession of their units during the pandemic. “These have been incredibly difficult for everyone,” Bornstein says, but there has to be a line between right and wrong. “Tenant protections should be reserved for those with a financial hardship and certainly not give renters the license to engage in menacing behavior that creates a nuisance for other residents or causes damages to the property,” he submits.

### **Facts of the case:**

Our client discovered that the defendant tenant intentionally allowed uninterrupted water flow from the rental unit. The kitchen sink, bathroom sink and bathtub spigots were all left open, permitting water to run continuously throughout the day.

After a proper service of a Notice to Cure or Quit the nuisance behavior that wasted an estimated 1,000 - 3,000 gallons of water per day expired without any response by the tenant, the lawsuit was filed. Shortly thereafter, the tenant retained counsel.

After months of feeling victimized by the defendant’s disregard for the property, our client finally got their day in court. In an approximate three-day trial, attorney Daniel Cheung was able to prevail over opposing counsel when a judgment was granted to our client for possession of the premises, paving the way for the tenant to be evicted. Throughout the trial, the defendant denied the allegation and made the outlandish claim that the landlord was retaliating against her in response to a complaint lodged at the San Francisco Department of Building Inspection. The jury found this to be without merit.

### **The allies of landlords**

Whether faced with civil litigation, unlawful detainer disputes and/or broker/agent claims, Bornstein Law has the resources to bring conflicts to a successful resolution - either through a negotiated settlement or a trial, if necessary.