

After thousands of gallons of water was wasted every day, a jury unanimously agreed that COVID-19 protections do not give tenants the license to create mischief or cause damage to the rental property with impunity.



Facts of the case

Our client discovered that the 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 in order to drive up the water bill.

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

Outcome

After months of feeling victimized by the defendant's disregard for the property and wasteful water usage, our client finally got their day in court.

After a three-day trial, attorney Daniel Cheung prevailed over opposing counsel when a judgment was granted entitling our client for possession of the premises.

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.

For founding attorney Daniel Bornstein, the verdict sends an encouraging signal to landlords who have felt hamstrung to recover possession of their property during the pandemic.



“These have been incredibly difficult for everyone, 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.”