



Metropolitan Mediation Services

40 Webster Place, Brookline, MA 02445-7937 - (617) 241-0300

<http://metromediation.org>

Role Play Exercise #3 Landlord's Role

You are the owner of two 3-unit buildings in the small city of Gotham. You live in one of these buildings. The other building is about four blocks away in the same neighborhood. You are attempting to evict the first floor tenant in that other building (the one you don't live in). This is a two bedroom apartment.

This tenant and his/her two children (John, 1 and Samuel, 3) moved in about eight months ago and have been trouble almost from the start. In mediation, you are relieved to finally have an opportunity get off your chest the long list of outrages this tenant has committed. You hardly know where to start, but to sum it all up, this tenant is simply inconsiderate both of you and of the neighbors.

To start with, this tenant is filthy. Ever since this tenant and his/her family moved in, you have been receiving complaints from them about roaches in the apartment. You have sent exterminators out to the apartment twice, once about five months ago and again about two months ago. You have never had any complaints about this from any other tenants and you are sure that this family brought these roaches with them from whatever hole they came from. They might even have done it on purpose, because they know something like this can be used to withhold rent. That's the kind of people these are. You've seen this kind before. When they apply for the apartment, they are all sweet and innocent. Later the truth comes out. This family piles their trash in back hallway until it stinks. The third floor tenant complained about this to you and you saw (and smelled) it for yourself. You spoke to the tenant about this problem about six months ago, but since then you have received more complaints from the third floor tenant.

In addition to being dirty people, the tenant's boy/girlfriend is apparently showing up at the building drunk and starting shouting arguments late at night. The third floor tenant thinks that this girl/boyfriend is really dangerous and that she has heard shouting and crashing noises coming from their apartment at night. On top of that, when driving by the building, you have seen this tenant sitting on the front porch with a gang of his/her "pals" drinking beer. Its not the image you want of your building or your neighborhood and it is certainly not the behavior of a responsible parent! You have not talked to the tenant about this.

You know that this tenant is going be an eternity of trouble to you and your other tenants. You sent this tenant a thirty day notice to quit about six weeks ago and have come to court for your trial today. At the call of the list, the clerk asked you if you wanted to try mediation. It sounded like a quick way to get out of here today, so you agreed to give it a try.



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Role Play Exercise #3 Tenant's Role

About eight months ago you and your two children (John, 1 and Samuel, 3) moved into the first floor of this three unit building. The landlord showed you the apartment and, although it was very dirty at the time, the rent was very good (only \$1,100 per month). You also like this neighborhood. The landlord lives in another three unit building he/she owns, just a few blocks away. Yours is a two bedroom apartment. You would like something bigger, but this is all you can afford. You work an evening shift (four to eleven P.M.) as a clerk at a twenty-four hour convenience store across town. You have had minor friction with this landlord from the start, but you can't believe that the landlord is actually trying to evict you. You have always paid your rent each month.

When you moved into this apartment, it needed hours of cleaning and there were roaches everywhere. You complained a number of times to the landlord about the roaches and, finally, after about three months, the landlord finally sent in an exterminator. The problem got a little better for a while, but then it just got worse again. You told the landlord and he finally sent the exterminator again about three months after the first extermination. There may be some improvement, but the problem is still basically the same. You think the problem is that this landlord is cheap. A friend of yours told you that every extermination should be followed up with another in about a week or two. Your landlord didn't do this either time.

You have not gotten along well with the tenant on the third floor. A couple of times, after you have gotten home from work, your girl/boyfriend has come over and you got into fights. The third floor tenant complained about the noise and you calmed down after that, but the third floor tenant never seemed to get over it and you think she is badmouthing you to the landlord.

Life is tough. You are working hard, raising two kids on your own, and not making much money. You do the best you can, but it is often hard to keep up with things and you sometimes have to take shortcuts. If it wasn't for the support of your friends, you don't know how you would make it! One great thing about this building is the front porch. It's a great, relaxing place to unwind occasionally with a few friends and a few brews.

At one point, (about six months ago) the landlord complained that you were leaving trash in the common back hall. You said you wouldn't do that anymore, and for the most part you don't. Every now and then, when things get too hectic, you might leave a full trash bag there temporarily, but you always get it out within a day. It's no big deal. Hardly anyone ever uses the back, anyway.

You got a thirty day notice to quit about six weeks ago. You haven't had much time to deal with this situation, but now you are in court and chose to try mediation. You could use a little understanding. You are angry about this eviction which seems ridiculous and unfair to you, but you are also afraid that you may be evicted and feel that you have to try smooth things out with the landlord.