



## Metropolitan Mediation Services

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

<http://metromediation.org>

### Role Play Exercise #4 Tenant's Role

You are a tenant in a large apartment building. You have lived there for three years. Your landlord is attempting to evict you for non-payment of rent. Your landlord sent you a fourteen day notice to quit about four weeks ago. You are in court today for your hearing.

Your landlord may not know it, but he/she is in big trouble. Although you did not pay rent in the last two months before you got your notice to quit, you have also been complaining to him about a leak under your kitchen sink for about the last four months and your landlord has not made any effort, whatsoever, to fix it. You are familiar with the kind of landlord that ignores complaints and you know that there is only one language they understand. That is the language of money. So you have been withholding your rent.

You asked a friend of yours who used to work in a court and your friend told you your rights. Not only are you entitled to withhold rent if the landlord doesn't fix problems, but you also learned about the rules relating to security deposits. You learned that the landlord has to pay you interest on the security deposit each year, has to put the security deposit in a separate bank account, and has to give you a receipt with all kinds of special information on it within 30 days of receiving the deposit. You learned that, when the landlord doesn't follow these rules, the tenant gets *three times* the amount of the security deposit back. Your landlord never gave you the proper receipt.

Your rent is \$950 per month. You have withheld \$1,900. The security deposit is \$750 (because that was the rent when you moved in). Even if there was not the problem with the leak under your sink, your landlord would owe you \$2,250 (\$750 times three) minus the \$1,900. That leaves \$350 that is owed to you. You know that if, in the balance, the landlord owes you money, you can not be evicted.

*In the first joint session, you seek the full amount of refund due to you, either in a payment from your landlord or credit to future rent. Later in the mediation, you are willing to accept that you call things even. In other words, rent is considered current, but that you collect no money or credit for the remainder due you because of the security deposit violation. Either way, he should fix the leak and be more responsive if problems come up in the future!*



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### Role Play Exercise #4 Landlord's Role

You are the owner of a large apartment building and are seeking to evict this tenant for non-payment. You sent a fourteen day notice to quit about a month ago and are in court today for your hearing. This tenant has lived in the apartment for about three years, but for the past four months has been a big pain. He/she has a tiny leak under the kitchen sink and has been making a federal case of it. You are going to fix it, but just haven't gotten around to it. You have had important work to do elsewhere. A boiler broke down and needed replacing in one of your other buildings and your spouse's sister has developed cancer. You've had enough to deal with!

The tenant is two months behind in rent. At \$950 per month, this comes to \$1,900. In addition to the tenant complaining about the leak, he/she has written you a letter explaining that this is why she/he is not paying rent. You have never heard of anything so ridiculous; \$1,900 for a drip!

If the real problem is that the tenant is short of cash, you would be willing to make some arrangement so they can get caught up over time. If this is the problem, you wish the tenant would have talked with you about it, rather than making up this leak excuse. Even though your are really angry and offended by this tactic, you would keep this tenant if he/she made an arrangement to get caught up.

You hope this mediation doesn't take all day. You are a busy person and have a ton of stuff to do.