

The Cracked Up Couch

Confidential Information for Property Manager

Participants: Property Manager, Defendant & Former Tenant, Plaintiff

Summary

You are employed as the property manager of the 500-unit Yorkside Heights apartment complex owned by Yorkside Properties, Inc. Your tenant gave notice three months ago that s/he would be moving out by the end of the next month. On the Friday afternoon of the last weekend of the month, your tenant began to remove belongings from the apartment. Everything was taken except for a sleeper sofa. This was carried out into the common hallway (third floor) outside the apartment door. Your former tenant left the couch there until Monday night, returning with more help and a truck. But by this time, the couch was gone. Upset, the former tenant called you. You informed her that Yorkside Heights' maintenance workers had removed the couch and taken it to the building dumpster. Your former tenant found it there splintered in pieces.

Attempts to negotiate a settlement failed, so your former tenant filed a complaint in Small Claims court, suing for the maximum allowable \$2,000. Upon filing the complaint, the tenant checked a box stating a willingness to try mediation, which led the case to be referred to mediation. Both parties have agreed to mediation today. If the matter is not resolved, the court hearing will be held next Tuesday.

Property Manager/Defendant

You cannot understand why the former tenant wants \$2,000 and besides, you don't feel responsible in the first place. The couch was left in the hallway, a common area, with no note or sign. You only found out about it because tenants from the higher floors called to complain that it was blocking their exit. That's a fire hazard, and you could be heavily fined for that. The couch had to go. Furthermore, you feel you had no way of knowing to whom the couch belonged. Two other tenants in that building were moving out that month and you can't know everybody's personal plans. Yorkside Heights has 500 units. The couch was certainly not new, and people leave their stuff behind all the time when they move. Just to be safe, your guys knocked on all the third floor doors before touching the couch, but nobody knew to whom it belonged. So you junked it.

Still, you are a reasonable person. You have offered to settle this for \$200, mostly to avoid the hassle of court. This offer was refused. You suspect your former tenant is trying to take advantage of Yorkside Properties because it is such a big enterprise. After all, the former tenant told you at one time that the sofa plus a matching chair cost \$900 when they were new. Your former tenant still has the chair, and the sofa must have depreciated greatly in value. You were willing to give your tenant the benefit of the doubt and say it might still have been worth around \$400, so you offered to split the difference (again, to settle for \$200). Anything more than that doesn't seem fair, but you agreed to mediation because you want to avoid court. Going to court means bringing Yorkside's lawyer, plus more of your time, and maybe even having to bring the maintenance guys as witnesses. That could get pretty expensive, so you do hope to settle. Yorkside Properties have given you the discretion to settle all cases under \$1,500.

The Cracked Up Couch

Confidential Information for Former Tenant

Participants: Property Manager, Defendant & Former Tenant, Plaintiff

Summary

You lived in the 500-unit Yorkside Heights apartment complex owned by Yorkside Properties, Inc. You gave notice three months ago that you would be moving out by the end of the next month. On the Friday afternoon of the last weekend of the month, you began to remove your belongings from the apartment. Everything was taken except for a sleeper sofa. This was carried out into the common hallway (third floor) outside the apartment door. You left the couch there until Monday night, returning with more help and a truck. But by this time, the couch was gone. Upset, you called the property manager. You were informed that Yorkside Heights' maintenance workers had removed the couch and taken it to the building dumpster. You found it there splintered in pieces.

Attempts to negotiate a settlement failed, so you filed a complaint in Small Claims court, suing for the maximum allowable \$2,000. Upon filing the complaint, you checked a box stating a willingness to try mediation, which led the case to be referred to mediation. Both parties have agreed to mediation today. If the matter is not resolved, the court hearing will be held next Tuesday.

Former Tenant/Plaintiff

You cannot believe they threw out your sleeper sofa without trying to contact you. It was only a few years old and in excellent condition. There is no way it could have been mistaken for trash. They knew you were moving out at the end of that month so they should have known it was yours.

The sleeper sofa was very heavy, and was extremely difficult to maneuver through your apartment door in the first place. As tired as you were, you did not think it safe to try to move it down the stairs, so you left it leaning out of the way alongside your door. As soon as you could get more friends to help, you returned to pick it up. It's only fair that Yorkside Heights should replace your sofa.

Four years ago, you paid over \$900 for the sofa and a matching overstuffed chair as a set. With inflation, you figure the same set would cost around \$1,000 to \$1,200. You need a sleeper sofa and, at several furniture stores in the area you have visited, comparable sofas are in that price range. When you talked to the property manager, you were only offered \$200. What can you get for that?

You are suing for the maximum \$2,000 to replace your couch with a comparable one, and to get something more for the trouble and inconvenience they have caused you. You know they make a lot of money from the complex and can afford the loss more easily than you can afford to replace your sofa. You came to mediation because you are uncomfortable going to court. You figure they will have a lawyer and you can't afford one. But, you know you deserve compensation.