

PROPERTY PRACTICE QUESTIONS

QUESTION 14

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Topic: Real Property

Sub-topics: Landlord and Tenant

Type: Essay

Difficulty: Easy

Time: 30 minutes

In September of 2006 Sarah, a hard-working TTU law student, was looking for a new place to live, closer to the law library. She found an ad in the paper that stated: “House for rent. Female student over 25 preferred. No children. 1234 University, \$350 per month, utilities, and cable included. Ask for Alex.” Sarah immediately called Alex to inquire about the house. However, when Alex found out that Sarah was pregnant and was only 23 years old, he told her that the house was already rented.

Another law student, Laura, also saw the ad and called Alex the same day as Sarah. After finding out that Laura was 27 years old and did not have any kids, Alex told her that she was welcome to come and see the house. The next day Laura went to look at the house and signed the lease which she would need to renew every six months. The lease stated that Laura could move in two weeks from the date of the lease. The lease did not contain a holdover tenant provision.

When it was time for Laura to move in, she was unable to do so because a previous tenant, Angela, was still occupying the house. Laura called Alex to deal with this issue, but Alex told her that it was not his problem. Angela stayed in the house for the following four weeks. During those four weeks, Laura ended up staying with her

friend and paying rent there as well. Laura reported this incident to the appropriate housing and rental authorities.

When Laura was finally able to move into Alex's house, she noticed that some of the plumbing leaked under the bathroom counter and mold was growing on the pipes. She also discovered that the dishwasher was broken. Laura made several calls to Alex asking him to take care of the leakage and the dishwasher. Alex called her back stating that he was not responsible for repairs. Laura once again reported this incident. To make herself feel more at home, Laura replaced an old ceiling fan in her bedroom with a new one that she had bought herself. In the process of doing so, Laura did some noticeable damage to the ceiling.

Four months after Laura had moved in, she found a letter on her door demanding that she vacate the premises immediately. Laura was not a nuisance to anyone nor was she in default on her rent. Laura ignored the notice and remained in the house for another two weeks while she was studying for her finals. However, tired of all these headaches, Laura did move out after the finals were over and took the new ceiling fan with her. Laura never did repair the damage she caused to the ceiling.

Laura and Sarah have now both filed suites against Alex. Sarah is claiming a violation of the Fair Housing Act. Laura is suing Alex for failing to put her in possession of the premises upon commencement of her lease term, for not repairing the premises, and for the retaliatory eviction before the end of her lease term. Alex has cross-claimed stating that Laura owes him damages for ruining the ceiling and that Laura's tenancy was one at sufferance for the last two weeks of her stay because she did not vacate the premises upon notice.

Discuss all the issues pertinent to each suit and the possible outcomes.