

Case Examines Foreseeable Criminal Acts

A recent case in Ohio examined management liability for on-site attacks on residents by third parties.

A woman and her son moved into a third-floor unit at an apartment community. Shortly after the individual moved in, the landlord made renovations to the property. This included the installation of new doors. The resident claimed the lock on the new door outside her building did not work properly, thus making the structure unsafe.

The resident met a woman at a local bar and began a relationship. They eventually broke off their relationship, after which the woman began to stalk, harass and make threatening phone calls to the renter. The resident filed a police report after the woman threatened to kill her. However, she was unable to obtain a restraining order to keep the individual from visiting the property.

One night the woman threw a firebomb at the resident's apartment, igniting a fire on the grass surrounding the building. Police warned the resident earlier that day not to stay in the apartment.

The resident witnessed the woman driving around the building but did not call the police or fire department as told. Nor did she notify management about the threats made to her or the fire. Later that evening, the resident's smoke detector sounded and she observed that the unit's front door was on fire. She and her son leaped from a window in the apartment and both suffered injuries. Police eventually apprehended and arrested the suspect. A court would later convict the individual of arson.

The renter filed a lawsuit for negligence against management, claiming it failed to provide adequate security at the property. She stated that the lock on the front door did not work and the landlord failed to repair it, even after mentioning it to him.

The trial court dismissed her claim, and she later brought an appeal against the judgement. The appellate court stated that if the "stalker's" actions were foreseeable, the court could find the landlord negligent for not taking additional steps to protect the woman and her son.

In this case, the court did not believe the "stalker's" actions were foreseeable. It ruled that the landlord did not have a duty to take additional steps under the circumstances.

The court stated that management is only obligated to take reasonable precautions and provide reasonable security for their residents unless criminal acts are reasonably foreseeable. In this case, management could not reasonably foresee the possibility of the woman throwing a firebomb at the resident's apartment.

Additionally, the court commented on the resident's actions. The renter did not leave the property when instructed by police and did not inform them about the woman driving on the property.

While the court did not find the landlord negligent in this case, it is possible he or she could be found liable under different circumstances. For example, if the resident informed management of

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the first firebomb attack and threats on her life, a court could conclude that the attack was reasonable foreseeable. The court would judge the landlord's actions based on whether he or she provided some type of security measures to prevent an incident.

Consequently, if management perceives the possibility of an incident, he or she should take action to prevent it. This would serve as proof that management acknowledged the potential for an incident and took reasonable steps to maintain resident safety and security.

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October 2000 / Apartment News