

Case Examines Injuries on Property

A recent court case in New York examined a landlord's liability for an injury incurred on the property.

A resident sustained injuries when she fell on a drop cloth placed in the hallway of her apartment by a painter hired by management. The resident tripped on the cloth as she walked down the hall. She sued the landlord for damages, arguing that the placement of the drop cloth constituted a hidden and unsafe condition.

In her deposition, the resident stated that she was aware of the drop cloth and was not paying attention to it because she was looking at the painter. She further acknowledged that she only claimed the drop cloth was "ill-placed" after she fell.

The trial court dismissed the resident's case and agreed with management's argument that no dangerous condition existed and the renter was responsible for causing her own injuries.

On appeal, the appellate court agreed with the original decision. It found that the resident's lack of attentiveness to her surroundings was the most likely cause of the fall. The court did not find any direct evidence connecting the location of the cloth to the individual's fall. Furthermore, the court stated the condition of the cloth itself did not lead to the accident.

The appellate court said that neither the landlord nor the painting contractor was negligent in this case. It further emphasized that the resident's own evidence established that she did not know the actual cause of her fall.

Landlords sometimes face similar situations in which residents sustain injuries either inside their apartments or on common areas of the community. If a condition causing an injury is not noticeable, it is possible for a resident to hold management responsible.

However, if a condition causing bodily harm is "open and obvious," it is unlikely a resident will win his or her case against the landlord. In this specific case, the resident acknowledged that she was inattentive at the time of her fall and could not specifically identify the drop cloth as the cause of her fall and resulting injuries.

By Scott M. Clark, Esq.

3008 N. 44th Street, Phoenix, AZ 85018

602.957.7877

sclark@scottclarklaw.com

<http://www.scottclarklaw.com>

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