

**Landlord Not Held Liable for Injury
Resulting from Tenant's Repair Efforts
by CD Publications**

New York: A landlord cannot be held liable for a tenant's makeshift repair efforts made without the landlord's knowledge that caused injury to one of the tenant's guests.

The tenant rented an apartment from a landlord that had a leaky faucet. The tenant tried to fix the problem himself and did not report it to the landlord. The tenant installed a metal-covered board near the faucet to catch the dripping water and directly into the sink.

One of the tenant's guests was wiping up the water on the board when she cut her hand on a piece of metal protruding from the board. The injured woman said the metal on the board was "raised and jagged."

Courts rarely hold landlord's liable for injuries caused by hazards the landlord did not know about or have an opportunity to correct.

The injured woman sued the landlord alleging the landlord should be held liable for the injury because the landlord negligently failed to repair the leaky faucet.

The landlord denied she was liable because she did not give the tenant permission to install it. She also said she did not know about the leaky faucet and there was no evidence the tenant ever reported the problem to the landlord.

The trial court dismissed the injured woman's case after ruling that her injury was not a "foreseeable consequence of any negligence on the landlord's part."

The trial court held that the injury was caused by the "intervening and superseding" conduct of the tenant in installing the dangerous metal-covered board and that the injury was not proximately caused by the landlord's negligent failure to fix the dripping faucet in the tenant's apartment.

Lesson: Courts generally do not hold landlord's liable for injuries that occur in areas not under the landlord's direct control unless the lease or a statute required the landlord to maintain the area. Courts rarely hold landlord's liable for injuries caused by hazards the landlord did not know about or have an opportunity to correct.

Ivonne Villegas, et al., Plaintiffs-Appellants, v. Caterina Calogero, et al., Defendants-Respondents. 2005 NY App. Div. LEXIS 13700.

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