

## Tenant Sues Landlord After Falling Down Stairs

by CD Publications

Connecticut. A tenant who used a flight of stairs everyday and knew the runner was loose cannot sue her landlord when she trips and falls down the stairs.

The tenant fell down a flight of stairs in the duplex she rented from her landlord and was injured.

She sued claiming the stairs were “dangerous and defective” and that the landlord failed to maintain the stairway in a reasonably safe condition.

The stairs were carpeted but the landlord placed a plastic runner over the carpet on the stairs to reduce wear and tear by tenants. The runner was held in place by small, sharp protrusions on the bottom of it and by nails hammered through the plastic into a wooden strip at the base of the stair risers.

The tenant testified she fell after slipping on the second step. She claimed the runner was loose and “moved” when she stepped on it.

The trial court found for the landlord and dismissed the tenant’s case. The tenant admitted the stairs were in that condition for “several years prior to the date of the fall”

The court said the tenant was not entitled to damages from the landlord because “she used the stairs on a daily basis” and never complained about the condition and never asked the landlord to inspect, repair or tighten the plastic runner on the stairs until after she fell.

Because the tenant never complained about the hazard or notified the landlord about the need for repairs, the tenant failed to prove the landlord knew the stairs were dangerous or defective or constituted a hazard.

***Lesson: The tenant never complained about the hazard and the court said she was in the best position to notice the problem and seek repairs. There was no evidence the landlord knew of the hazard and courts generally refuse to hold landlords liable for injuries caused by hazardous conditions unless there is some evidence the landlord knew of the hazard and failed to repair it within a reasonable period of time.***

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