

Landlord-Tenant, Part 1

1

But first, a look
back. . .



2

A Look Back

When a truck driver falls asleep at the wheel, a traffic accident results, and the lawsuit ends up in front of you. Is it a problem that the plaintiff has sued the company that employed the driver, rather than the driver herself?

3

A Look Back

Sully's Used Appliances sold Stan a washing machine with \$50 down and the balance of \$100 due at the end of 10 days. If Stan didn't like the washer, Sully would refund his money and take back the washer, no questions asked. Stan liked the washer but didn't have the money to pay when the ten days ended. Stan says he'll have the money in a few weeks and has refused to return the washer. Sully's has filed this action to recover possession. Who wins?

YES Sully's

NO Stan

4

A Look Back

A couple has asked you to travel to the beach to perform a marriage ceremony. The license is from their home county (NOT yours). How long do you have to get the license back to the home ROD's office?

YES 10 days

NO 60 days

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Explain Like I'm 5: Security Agreements

Imagine you're the owner of Sully's, and you just lost your small claims case to recover that washing machine. You're stuck with a money judgment for \$100. Your mistake was not having Stan sign a security agreement. When your five-year-old sees your frustration and asks about it, you tell him you learned a lesson: next time you'll have a security agreement. When he asks what a security agreement is, what do you say?

Remember this answer.

6

Contract law: A lease is a contractual right to occupy property.

Landlord-Tenant Law

Property law: A lease is a thing.

Consumer protection law: Housing is a basic human right.

7

Property law

Owning property is like owning a bundle of sticks.



8

A lease is a stick.

9

Regardless of the label attached by the parties, a landlord-tenant relationship is created when:

- (1) there is reversion in the landlord;*
- (2) creation of an estate in the tenant either at will or for a term less than that which the landlord holds;*
- (3) transfer of exclusive possession and control of the tenant; and*
- (4) a contract.*

In re Hawkins v. Wiseman, filed 7/1/2008 [30(e)]

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