

Three floods, many complaints and one eviction

Mark LeClaire called out of the blue on New Year's Eve. He was distraught. LeClaire rents a house in Grove City, and after eight years and a total of nearly \$70,000 in on-time rent payments he had gotten an eviction notice. The short of it was LeClaire seemed to have made a mistake. For three months, he had been trying to get the owner to clean up properly after a flood caused by a septic backup. Actually, it was three floods — three times — as it turned out. LeClaire was frustrated and wanted to get the landlord's attention, so he finally put a stop on his rent check. Mistake. That wasn't correct legal procedure. It gave the company a technical opening to evict. LeClaire was distraught and needed some help, so he called the newspaper. Frankly, I had no idea what to do, but offered to look into it. A week later, he seemed finally to be getting somewhere. Then, everything seemed to go bust again. Why? Apparently, because he had called the newspaper. Here's the long of his story.

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LeClaire, 52, who does remodeling work as Boca Grande Restoration Corp., moved into a two-bedroom house on Mississippi Avenue eight years ago. In his time there, the property went from one management company to another, then to another. The place is a 1960s-vintage home, nothing fancy but nice. There's a large lot and a back porch. For the most part, LeClaire likes it there. The rent is reasonable. He paid \$745 a month (plus utilities) for many years, before it was lowered to \$595. LeClaire said he always paid his rent and bills on time and never had any problems. Then, around Oct. 1 last year, water started backing up from under the toilet during a storm. It was a real mess, an inch-deep layer of toilet water throughout the place. LeClaire called the landlord and got no response. He moved the furniture into a bedroom and vacuumed the place dry. In the end, the biggest problem was the wall-to-wall carpeting. "It was pretty gnarly and smelled," LeClaire said. "You couldn't breathe in here." Just imagine. At some point, LeClaire moved into a camper in the backyard for months on end. And he kept calling for help. Weeks after the incident, the company agreed to get someone in to clean the carpet, "which didn't do much good," he said. Then, the place flooded again and LeClaire was back to square one. "They did absolutely nothing after the second flood," he said. He kept calling the management company. "I was told I was annoying." More calls, more nothing. A few weeks later, the septic system backed up a third time. "I had to go through the same procedure," LeClaire said. "I've been frustrated every time," he said. "If it's not my negligence, they should've taken care of it."

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Finally, someone was sent out to check the septic field and figured it was clogged. They unclogged it — after three backups and despite the fact that an Englewood Water District sewer line runs down the street. Why not just hook to the municipal sewer system, which would solve the problem? Good question. Local plumbers say a connection would only cost about \$2,000. And LeClaire already pays base sewer service charges to the EWD, regardless. But EWD cannot force someone to connect, and the landlord apparently doesn't want to go through the trouble, for whatever reason. As for health concerns, the state Health Department can force the issue, but only if the problem occurs outside the house.

Lesley Bishop, with the [Health Department in Charlotte County](#), said last week she was sending someone out to check the property for a septic failure. "We'll look to see what we can do," she said. But, Bishop added, landlord-tenant issues can be touchy. She has no authority with inside-the-house problems. "What I'm finding is there's not a lot of law to help renters," she said.

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LeClaire has stacks of papers on his couch and dining room table detailing his efforts to resolve the dispute. Eventually, the rug in the front room was ripped up. A representative of the property management company then asked LeClaire if he could live with it as is. "I said, 'you can't be serious,'" he told me. He had grandchildren due for a Christmas visit and thought it was unsafe. In December, he finally was fed up; he stopped his rent check. The law allows tenants to do this if they have a valid reason, but there is a proper procedure that should be followed. LeClaire didn't. That misstep didn't necessarily mean LeClaire had blown it completely, said Tampa lawyer Adam Knight, who had been contacted by LeClaire. It did give the landlord a legal opening though. The week after Christmas, LeClaire got the eviction notice. After calling me, distraught, he made more calls and found Joann Ross. Ross works with the 20th Judicial Circuit Court's Citizens Dispute Settlement Program, a voluntary mediation service established to head off formal court lawsuits. "Sometimes, that's all that is needed to get something settled," Ross said. They have no power to force a resolution, but can bring two willing parties together. In this case, it seemed like it would work. Ross sent the landlord a request for mediation on official letterhead. It asked for a response within seven days. Early last week, they called and told LeClaire they'd be willing to work something out. LeClaire was hopeful. He wanted the carpet replaced and maybe some compensation for his trouble. Most of all, he wanted to stay put. "I've really got nowhere to go," he said. "The bottom line is I've paid over \$70,000 on this place. You'd think you'd get some consideration after this time," he said. "It's not a big deal. That's the worst of it."

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On Thursday, I called the property company to get their side of the story. I told them what I was working on and gave them my number. They did not call back. On Friday, they called LeClaire. He said they told him any deal was off since he had gone blabbing to a newspaper reporter. And, they said, he would have to leave. He could expect an eviction notice, for good this time. When I called them again on Monday, I was routed to what sounded like a call center. They did not return my call again, so I can't give their side of the story. Maybe they have legitimate reasons. Tenant-landlord disputes aren't necessarily onesided. Bad tenants happen. But landlords have the lion's share of power in these relationships and are often better equipped to take advantage of any situation. They may act shamefully in our eyes, but they may be acting lawfully. "Given my knowledge of the facts, it paints a bad picture," said Knight, the lawyer who has given LeClaire some advice gratis. LeClaire could fight and could lose. He might even win. Even if he does, he'd still have a landlord who is unhappy with him. "It's an uncomfortable situation," Knight said. I don't know how this will turn out, but I've got a sneaking suspicion: Mark LeClaire is up the creek. "To me it seems like he's being pushed around by a property company, and I'm seeing more and more of it every day," Knight said.