

## **Bornstein Law: Legal Victory – Landlord/Tenant Unlawful Detainer**

**Millenium Tower: Tenant claims the sinking building should excuse the obligation to pay the rent. Landlord rejects claim, files eviction lawsuit and is restored possession of the unit.**

### **Thomas Atwood v. Justin Brock Gerber, SF Superior Court Case #16-656972**

**San Francisco, CA February 15, 2017** – Bornstein Law, a boutique real estate law firm with offices in San Francisco and Oakland, continues its outstanding record of success in representing real estate investors by recovering possession of a rental unit at the Millenium Towers for its client, the owner of the property through a successful unlawful detainer lawsuit.

The facts of the case were as follows: Plaintiff entered into a written agreement with the defendants approximately 1 ½ years ago. Defendant, residing in a unit at the Millenium Tower, repeatedly refused to pay the rent claiming the building is sinking, and thus, created an unsafe condition was a breach of the landlord's obligation to provide a habitable dwelling. The tenant's attorney emphasized, "the leaning and sinking of the building is a structural issue in breach of the implied warranty of habitability."

Bornstein Law rejected this claim as outlandish and properly served a notice to pay rent or vacate. The Defendant refused to pay the rent and/or vacate the premises, claiming in his answer to the lawsuit, the landlord breached the rental agreement, breached the tenant's right to quiet enjoyment of the premises and violated both California and San Francisco Law. Of course, the Defendant also claimed the premises were not habitable. The property owner denied the defendant's claims and affirmed his right to seek rent for the premises at the Millenium Tower, despite the settling of the building. The rental unit is beautiful and functions perfectly.

Judgment was granted for possession of the premises, allowing for an immediate eviction, as well as a monetary judgment in the amount of \$42,716.00. After six months of feeling victimized by the defendant's false assertions, the landlord finally recovered control over his San Francisco rental property. Once again, Bornstein Law successfully accomplished the client's goals, preserving his and substantial real estate investment.

Whether you face civil litigation, require an unlawful detainer action and/or seek consulting on a broker/agent claim, Bornstein Law has the resources available to manage your dispute(s) to successful resolution – either through negotiated settlement or, if necessary, trial.

Bornstein Law is ready to serve you should the need arise. Contact us at 415-409-7611 and/or email Daniel Bornstein at [Daniel@bornstein.law](mailto:Daniel@bornstein.law) and [www.bornstein.law](http://www.bornstein.law)