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## APARTMENT ANGLES MEDIATION

### Confidential Information for Toby Reardon, Tenant

For the past three years, you and your spouse have been living in a furnished one-bedroom apartment at the Atrium Villages apartment complex in a mid-size town on the coast. Atrium Villages includes more than 100 units, across its five-story northern and southern wings, joined by a center lobby and services area. Your second-floor unit is on the western side of the northern building, consisting mostly of small one-bedroom units. You paid the \$600 monthly rent promptly until three months ago. The rental fee includes power, but not cable and internet, at \$80 more per month. With no income, you had to choose between rent or groceries and services for your grandfather.

Basic unemployment has forced this unfortunate choice. Your spouse had been a teacher but decided to switch to a career in nursing. After completing the first courses toward the nursing degree in a part-time program, they left their teaching job to enroll in the nursing program full-time. Then, 6 months ago, you lost your administrative job in a financial services firm and have been unable to find another. With no income, you have been forced to rely on dwindling savings. Your spouse already has a nursing job lined up after graduation, four months from now.

In the meanwhile, your grandmother died, leaving your grandfather to fend for himself in a larger, more expensive city 100 kilometers away. Your grandfather is of sound mind but physically frail. His fixed retirement income barely covers his rent of \$1200 per month for his unfurnished (he has a lifetime of furniture) three-bedroom apartment –but doesn't cover extra care services he desperately needs. You would like him to move to a smaller, cheaper apartment in your town so you could more easily help out, but the move itself would cost money. You would even think of letting him move in with you and your spouse, at least for a while, but NOT in your little one-bedroom.

Noise in your apartment is another real concern. You and your spouse have had trouble sleeping because the west side of the northern wing of the Atrium Villages complex borders an industrial and shipping area and is adjacent to some loading docks. Trucks back up with those confounded beepers, slam loading doors, and load and unload at all hours of the night. Dumpster trash pick-up is before 5:00 a.m. – hard to ignore from the second floor. To make matters worse, a bohemian-style nightlife has started in some old warehouse buildings on the western side, and you are sometimes awakened by drunks and other revelers. Your apartment's large windows make for a nice view, but there is no soundproofing. You have complained to the building owners about the noise, but they say it's not their fault. You believe you can justify not paying the rent because of the many nights you have lost sleep and the landlord's failure to fix the problem. Your grandfather could never tolerate this noise.

Atrium Village has filed a lawsuit against you for non-payment of rent, seeking to evict you and collect three months of back rent due. The Court Clerk's Office suggested diverting the case to a landlord-tenant mediation program and you agreed. You were informed that the Atrium Villages also agreed to mediation.



It all seems so silly: you could start paying rent in four months – when your spouse gets that first paycheck as a nurse. If you are evicted, you have no place to go, except your grandfather’s apartment, and that’s too far away from the nursing job. Moreover, your contacts are in this town. You are more likely to find a job here. You should reach a mediation agreement only if it meets your interests.