

IN THE WASHINGTON COURT HOUSE MUNICIPAL COURT

Michelle W. Runyan,

Case No. 94CVF200

Plaintiff

vs.

Judgment Entry

J.D. Irwin,

Defendant

This matter came on for trial to the Court on June 30, 1995, upon the complaint of plaintiff. At that time plaintiff appeared with counsel and defendant appeared without counsel.

Following the presentation of plaintiff's opening statement defendant waiving opening statement, the plaintiff presented her evidence, admitted her exhibits and rested.

Defendant then presented his evidence in defense to plaintiff's claim.

Following final argument the matter was taken under advisement by the Court.

Based upon the evidence presented the Court finds that the parties entered into a rental agreement for the premises at 151½ Allen Avenue, New Holland, Ohio in October, 1993. That as a part of the agreement, which was reduced to writing, plaintiffs were to pay defendants in addition to rent, \$25.00/month for water service to the rental unit. The Court finds that the water service to the rental unit was via a water line from defendant's residence rather than via a separate metered line. The Court further finds that there was a dispute between the parties as to certain repairs that were to be done to the rental unit.

Further the Court finds that on January 13, 1994, plaintiff's received an eviction notice from defendants directing them to vacate the rental unit by January 18, 1994. The eviction notice stated that defendants wanted to use the rental unit for business purposes. The Court finds that plaintiff didn't vacate by January 18, 1994, and that defendant turned off the water supply to the rental unit on January 24, 1994, and that the water was not turned back on until sixty days or eight and one-half weeks later despite defendant being directed by the Fayette County Health Department to turn the water to the rental unit back on in January, 1994.

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The Court finds that the turning off of the water supply was done by defendant in an effort to force plaintiff to vacate her rental unit in violation of a couple of statutory provisions in Chapter 5321 O.R.C. and was wanton and malicious conduct towards plaintiff and her children and husband and as such plaintiff is entitled to compensatory and punitive damages.

The Court further finds that on February 8, 1994, defendant served plaintiff with another eviction notice directing her to vacate by February 11, 1994. The basis for this notice was failure to pay for rent and water. The Court finds that plaintiffs attempted to pay rent but the rental payment was refused by defendant.

The Court further find that as a result of defendant turning off the water to plaintiff's rental unit, plaintiff was compelled to obtain water from other sources including water in buckets from a nearby stream in order to flush the toilet. The Court finds that plaintiff had to drive various places to obtain water for drinking and doing dishes, that plaintiff purchased water, that she spent about \$20.00 for washing clothes per week, that she paid her neighbors for the occasional use of bathing facilities and she traveled to relatives in order to bathe.

Based upon evidence presented plaintiff spent at least \$549.12 in obtaining water for cooking, etc. and for bathing.

The Court further finds that as a result of the defendant turning off the water service to plaintiff's rental unit. plaintiff was not only inconvenienced but was subjected to potential medical, health and safety problems for herself as well as for her children and husband. In addition, plaintiffs were forced to cancel a birthday party for one of her children because she had no water service.

It is therefore the order of the Court that judgment is rendered in favor of plaintiffs and against defendant in the sum of \$549.12 compensatory damages and \$1,000.00 punitive damages. Costs to the defendant.


John H. Roszmann
Acting Judge

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MILAN STRAUSSER
CLERK OF COURT

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