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## Damage When the Water Was Turned Back On

By JAY ROMANO

I live in a co-op in Manhattan. My building shut off the water supply one morning because of a pipe emergency in the basement. No notification was given to tenants and as a result I inadvertently left my water taps in my bathroom in the open position while getting ready for work. I also had my drain closed. When the water was turned back on, it flowed out of my sink down into the apartments below me. Who is responsible for the damages?

Eric P. Gonchar, a Manhattan co-op and condo lawyer, said it would appear that the letter writer is responsible for the problem. Although a co-op would be required to give notice to tenants if the water was going to be shut off, in this case, as the letter writer indicates, the shutoff was the result of an emergency. And that, Mr. Gonchar said, would seem to relieve the co-op of the requirement to provide prior notice.

At the same time, he said, the tenant himself had notice that the water had been shut off when he attempted to use his sink and then left the faucets open.

“If the owner of the apartment has insurance, he should advise the company of the damage and the company should handle claims by the other unit owners,” he said. At the same time, Mr. Gonchar said, the unit owners who were damaged should notify their individual insurance companies, which would probably pay their client’s claims and then seek to be reimbursed by the insurance company that represents the owner who caused the damage. “If the other owners do not have insurance, they will have to seek damages in court,” Mr. Gonchar said. “If the owner of the apartment with the leak does not have insurance, he or she may be personally liable for the damage.”