**LawSpot Quiz for Trainee Lawyers**

**POLICIES AND PROCEDURES**

**1. What types of questions does LawSpot not answer?**

i.

ii.

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**2. For what areas of law will LawSpot provide only very basic information?**

(Eg LawSpot will describe what the legal term means then direct the user to a different site related to the issue or tell the user how to find an appropriate lawyer)

i.

ii.

iii.

iv.

**3. What should you do if you see a question in the “unanswered questions” list that should not have been approved by the question vetter?**

(Eg contains spelling errors or identifying information, or relates to an area of law that LawSpot does not answer)

**4. What should you do if you suspect, based on the timing and content of a submitted question, that you know who asked that question?**

**5. There is an “unanswered question” you’d like to attempt. Another lawyer has started drafting an answer but it they haven’t updated it for several days – what should you do?**

**6. There is an “unanswered question” you’d like to attempt. Another lawyer has already submitted an answer for it but the answer was rejected several days ago – what should you do?**

**ANSWERING QUESTIONS**

**5. What should you do if you see a question that contains slightly inconsistent questions in the heading and body fields of the question?**

**Eg** *Question: If the Police damage my property, who pays to get it fixed?*

*Description: The Police damaged my front door during a search and seizure operation and now it doesn't lock. Can I make them pay for the repairs?*

**6. There are (at least) 4 things wrong with the answer below. Please list them.**

*Question: If my neighbour's cigarette causes a fire and damages my possessions, can I sue my landlord?*

*Description: My neighbour smokes outside my door, even though our building is non-smoking. If he drops a butt and it causes a fire, can I sue him for any damage caused to my flat/possessions? Can I sue my landlord?*

As the tenant, you will be held responsible for anything done by others you have allowed on to the premises. Unfortunately, under the law, it may be presumed that as the tenant you gave permission for your neighbour to smoke outside your front door unless you can prove that you took all reasonable steps to stop the person doing so. However, given that you are in an apartment building, and your neighbour appears to be smoking in a communal thoroughfare, whether your neighbour is technically "on your premises" may not be so clear cut.

Assuming that your neighbour is not also a tenant of the same landlord, there is no specific obligation on your landlord to stop your neighbour smoking outside your door and you will not be able to sue your landlord for any damage caused to your flat or possessions.

However, your neighbour will probably be in breach of the law vis-a-vis their landlord under their own tenancy agreement as it is highly likely he or she will be under an obligation to comply with all building rules. Furthermore, under the law, your neighbour is under an obligation as a tenant not to disturb their neighbours (i.e. you).

On this basis, we think the best course of action is to speak to your neighbour about him smoking outside your front door as soon as possible. We also recommend informing your landlord of the situation and the steps you have taken. Your landlord can then ensure that formal steps are taken with your neighbour and your neighbour's landlord as soon as possible.

If your neighbour is also a tenant of your landlord, we still recommend informing your landlord of the situation. If your landlord then neglects to take reasonable steps to stop your neighbour smoking outside your door they may be in breach of their obligation under the Residential Tenancies Act to take reasonable steps to make sure none of the landlord’s other tenants disturb you (even if no damage is caused). In this case, you may be entitled to sue them for damages in the Tenancy Tribunal.

i.

ii.

iii.

iv.

**7. How would you answer the above question about cigarette damage?**