

Jones v Bartlett (2000) 205 CLR 166

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Facts

- The Appellant, Marc Jones, suffered an injury on 27 November 1993 when he walked into a glass door which separated the dining room and the games room of the house which his parents were renting from the Respondents, Mr and Mrs Bartlett.
- The Bartlett's house had been built in the late 1950's and had complied with the relevant building & construction standards at that time.
- However, the glass of the offending door was very thin and at the time of the injury, the house did not comply with the (at the time) modern standards.
- The Appellant alleged that the Respondent was negligent in failing to have an expert examine the premises (and replace the glass door) when the lease commenced.

Issues

- Was the Respondent liable for negligence?

Held

- The High Court held that the landlord has a duty to repair defects that are known or that should reasonably have been known at the time the lease commenced.
- An object will be defective if it is dangerous when being used in a regular fashion, and ordinarily would not be dangerous when so used.
- A landlord does not need to regularly inspect the property for defects during a tenancy. A landlord is only required to undertake steps which would be taken in the course of "*ordinary reasonable human conduct*".
- In respect of dangerous defects of which the landlord had known or *reasonably* should have known, the landlord will be responsible to both tenants and also third parties.
- In this case, the glass door was not seen as a dangerous defect. It was an ordinary door, constructed in accordance with building practice and standards of the time when the house was built.

Full Text

The full text is available here: <http://eresources.hcourt.gov.au/downloadPdf/2000/HCA/56>