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## Water restored to Creekside Mobile Home Park, owner faces lawsuit



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A Creekside Mobile Home Park resident is suing the park's owner on the grounds she should have been told the park's water would be shut off two days after she signed a lease.

A civil suit filed Feb. 19 in Toledo's Housing Court contends park owner Nadine Theodorou entered into a verbal lease agreement with Jessica Guardado on Jan. 31 and accepted a \$300 deposit. Ms. Guardado and her domestic partner moved into Creekside Mobile Home Park and agreed to pay Ms. Theodorou \$70 a week, court documents state.

On Feb. 2, Ms. Guardado could not get running water in her unit and realized the whole park's water had been shut off.

"Defendants did not inform Ms. Guardado about the potential shut-off at the time the parties entered into the oral lease agreement and Defendant(s) accepted payments from Ms. Guardado," the complaint states. "As a result, the Defendants' actions constitute fraud and Plaintiff has suffered damages in an amount to be determined at trial."

Ms. Theodorou disputes that claim and told The Blade on Tuesday that Ms. Guardado "knew 100 percent about what was going on with the water."

About 54 people live at the park just off of City Park Avenue between Swan Creek and the Anthony Wayne Trail. The city of Toledo turned off the water on Feb. 2 after what officials called a "longtime and persistent major leak" on the private property that was causing structural and safety issues for nearby City Park Avenue's right-of-way

Ms. Theodorou also has an outstanding water bill of about \$100,000 that had been accumulating long before what residents described as "a massive, Niagara Falls water leak" began. City officials said they would turn the water back on if Ms. Theodorou could demonstrate all leaks were fixed, put \$10,000 toward her balance, and enter a payment plan.

City officials said they notified the park's ownership of the leak in January and brought in representatives from the Toledo Lucas County Homelessness Board to work with residents to find new housing in the likely event the water would be shut off.

The city restored water service to the park last Friday, a day after Ms. Guardado and another park resident filed suit in Toledo's housing court. Legal Aid of Western Ohio attorneys representing both Ms. Guardado and resident Christopher Montz filed emergency temporary restraining orders with the court to compel Ms. Theodorou to restore water service.

Housing Court Judge Joseph Howe granted the temporary restraining orders Thursday and set a hearing date of next Friday for each case.

Abby Arnold, deputy chief of staff to Mayor Wade Kapszukiewicz, said city public-utility crews worked with a private contractor at the site to ensure water was flowing over the weekend. Ms. Theodorou made the necessary repairs to leaks on the property but has not made any payments on her outstanding bill.

Since the water was restored Saturday, Mr. Montz has moved to dismiss his complaints against Ms. Theodorou. Ms. Guardado intends to pursue her claims of damages stemming from the 18 days her unit was without water.

The lawsuit asserts Ms. Guardado had to purchase water to flush the toilet and to drink and that she bought a gym membership so she could shower.

“I have been unable to practice basic hygiene, including bathing and hand washing at the property. I have also had to purchase water for cooking and cleaning,” she stated in an affidavit attached to the complaint. “The lack of water service causes irreparable damages for which there is no adequate remedy at law.”

She is seeking damages equal to the difference between the contract rent and the property’s diminished value because of the lack of water service, according to the complaint.

Ms. Theodorou maintains the necessary repairs were made before the city shut her water off. Now that it is back on, she hopes to begin making payments on her outstanding water bill soon.

The city has a moratorium on water shut-offs for nonpayment because of the coronavirus pandemic, and Ms. Theodorou said she understands the park’s water service could be disconnected again if she isn’t on a payment plan once the moratorium ends. She said her business was negatively affected both by long-term construction on the Anthony Wayne Trail next to the mobile home park and the coronavirus pandemic, so money has been tight.

“We’re going to start making payments,” she said.

Alicia Kingston, an attorney with Legal Aid of Western Ohio who is representing Ms. Guardado, said there has been a huge focus on housing being a basic human right during the coronavirus pandemic.

“But so is proper housing and access to water in your housing. You should be able to be safe,” she said. “Ultimately, we’re happy that the water is back on and we hope all entities will continue to work together to keep it that way.”

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