

**From:** Alicia Litts <adiane02@hotmail.com>  
**Sent time:** 01/09/2023 09:24:33 AM  
**To:** Don Cole <Don.Cole@mercergov.org>  
**Cc:** 77 Central Neighbors <77-central-neighbors@googlegroups.com>  
**Subject:** Fw: [77 Central Neighbors] Heat to be restored today  
**Attachments:** image0.jpeg image0.jpeg image1.jpeg image2.jpeg B231 - Formal Notice of Repair Request - Confirmation of Receipt Requested

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Hello Don, I am still without heat (below is my formal notification from October 24, which you already have a copy of) and NOTHING was ever done to provide me temporary heat facilities capable of maintaining 70-degrees Fahrenheit (email notification attached, which you were blind carbon copied on). When I say NOTHING, I mean NOTHING. I did not even get an email back. See pictures below from this morning showing the HVAC is still not working and that the temperature is 68 degrees even though I have had two spaces heaters running for the last three hours. In addition, I have included a picture of my cat laying in front of one of the space heaters to emphasize how cold it is.

Below is an email sent from one of my neighbors to the 77 Central Group.

I find the timing statement about your knowledge of the extent of the problem very interesting. I thought you have been well informed that the loss of heat affected several units and not just a few people. I stated as such in my email to you on December 1.

There are seven HVAC units that service 77 Central. It is my understanding that one HVAC unit services the hallways (which is one of the units currently not working) and the remaining HVAC units cover the individual units and the common areas (gym, etc...). Some of the units here do not have HVAC (i.e., they have what I think is a wall heater). So, assuming that number is about 1/3 of the total units (189) the remaining six HVAC units cover about 126 units total. Therefore, that comes to about 21 units per HVAC system. I am on HVAC unit number seven. So, if I don't have heat, which I have not since October 24, ~20 other units on the same HVAC unit number seven as me do not have heat as well.

Based on the options below I would prefer number 1, which is the escalating citation. I have carbon copied the 77<sup>th</sup> Central Group so they may add their preferred course of action to this email chain.

Stay warm! Alicia

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**From:** 77-central-neighbors@googlegroups.com <77-central-neighbors@googlegroups.com> on behalf of Ksenia B <lamargarita@gmail.com>  
**Sent:** Sunday, January 8, 2023 8:59 PM  
**To:** 77 Central Neighbors <77-central-neighbors@googlegroups.com>  
**Subject:** Re: [77 Central Neighbors] Heat to be restored today

Hi,

Thank you all. I've reached out to Don Cole, the MI city building inspector, and let him know that contrary to what he has been told, our heat has not been restored on Friday. I also let him know the information in all of the replies received on this thread. Here is a little more context for those interested.

There are two courses of action available to us from the city of MI through Don Cole:

1. They can issue a citation to the building for code violation. This is an escalating citation, which goes up in price until the problem is fixed. This might provide the necessary motivation to 77 Central to take the problem more seriously than they have so far. I originally spoke with Don in the beginning of December, at which time 77 Central promised that the heat would be restored by mid-December. This seemed reasonable to him, so he considered the problem resolved. I let him know around the 3rd week of December that this has not happened. He was also under the impression that it was just a few people at the building without heat, which I let him know was not the case either. He has escalated to the owners, and has been in contact with the building since. The latest update was that he was promised that the heat was going to be restored on Friday.
2. The city inspector, Don Cole, can act as a witness for individual residents/units to provide proof that you have no heat. This would help if you were to pursue any civil remedy, such as, for example, breaking your lease or going to court. To use this option, you would have to send the official notice requesting repairs and wait the required period (2 days).

MI\_0187

Don Cole can be reached at [Don.Cole@mercergov.org](mailto:Don.Cole@mercergov.org) or (206) 275 - 7701.

Also, here are some additional resources:

- Code compliance violations at MI can be reported at this link: <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form>
- MI Code Compliance Officer is David Henderson [david.henderson@mercerisland.gov](mailto:david.henderson@mercerisland.gov) or (206) 507-2064
- Consumer complaint form can be filed with the WA Attorney General's office at this link: <https://fortress.wa.gov/atg/formhandler/ago/ComplaintForm.aspx>
- The Tenants' Union of WA state has a lot of resources. Here is an article with useful links: <https://tenantsunion.org/rights/fair-housing-enforcement>

Hope this helps.

Ksenia

On Sat, Jan 7, 2023 at 8:34 AM Camellia Mann <[camelliamann@icloud.com](mailto:camelliamann@icloud.com)> wrote:

Hi Liz- I know. It is awful. I really do recommend escalating this issue. Good luck and see you down the hall. :)

On Jan 6, 2023, at 11:35 PM, elizabeth austin <[lizaustin60@gmail.com](mailto:lizaustin60@gmail.com)> wrote:

Hi camellia,

I too have had no heat for 3 days! I sent notices to manager and Cushman wakefield.

I'm in 438 and normally have had AC and heat.. what the heck is going on with this building!!

I read the information sent on proper communication process and will do so Monday if I still do not have heat!

Liz

On Fri, Jan 6, 2023 at 3:47 PM 'Camellia Mann' via 77 Central Neighbors <[77-central-neighbors@googlegroups.com](mailto:77-central-neighbors@googlegroups.com)> wrote:

Thanks Ksenia!

This is the latest from Nora from today re my unit 436. Still no heat. I don't know why it takes this long to isolate these units. We will see! I officially filed my notice and uploaded it to the Rent Cafe. If nothing happens within the next 10 days, I will contact Don directly for a verification of no heat in my unit. Outrageous!

Thanks and have a great weekend all!

<image0.png>

Sent from my iPhone  
Mobile-206.514.1942

On Jan 6, 2023, at 3:12 PM, Ksenia B <[lamargarita@gmail.com](mailto:lamargarita@gmail.com)> wrote:

Hi neighbors,

I've been in contact with the Mercer Island city's building inspector, Don Cole, over the last month about our lack of heat. Here is an update from him that I received earlier today. I plan to contact him tomorrow to let him know whether there are still any residents in 77 Central without heat. So could you please check tonight, and reply as to whether your heat has been restored or not?

"I just got off the phone with the property manager, their service company has been onsite, has isolated and is repairing the leak, and anticipates being back in full service by the end of the day. This will restore heat to the remaining dwelling units. Hopefully, this will resolve the heat situation for good. "

Thanks and crossing my fingers

MI\_0188

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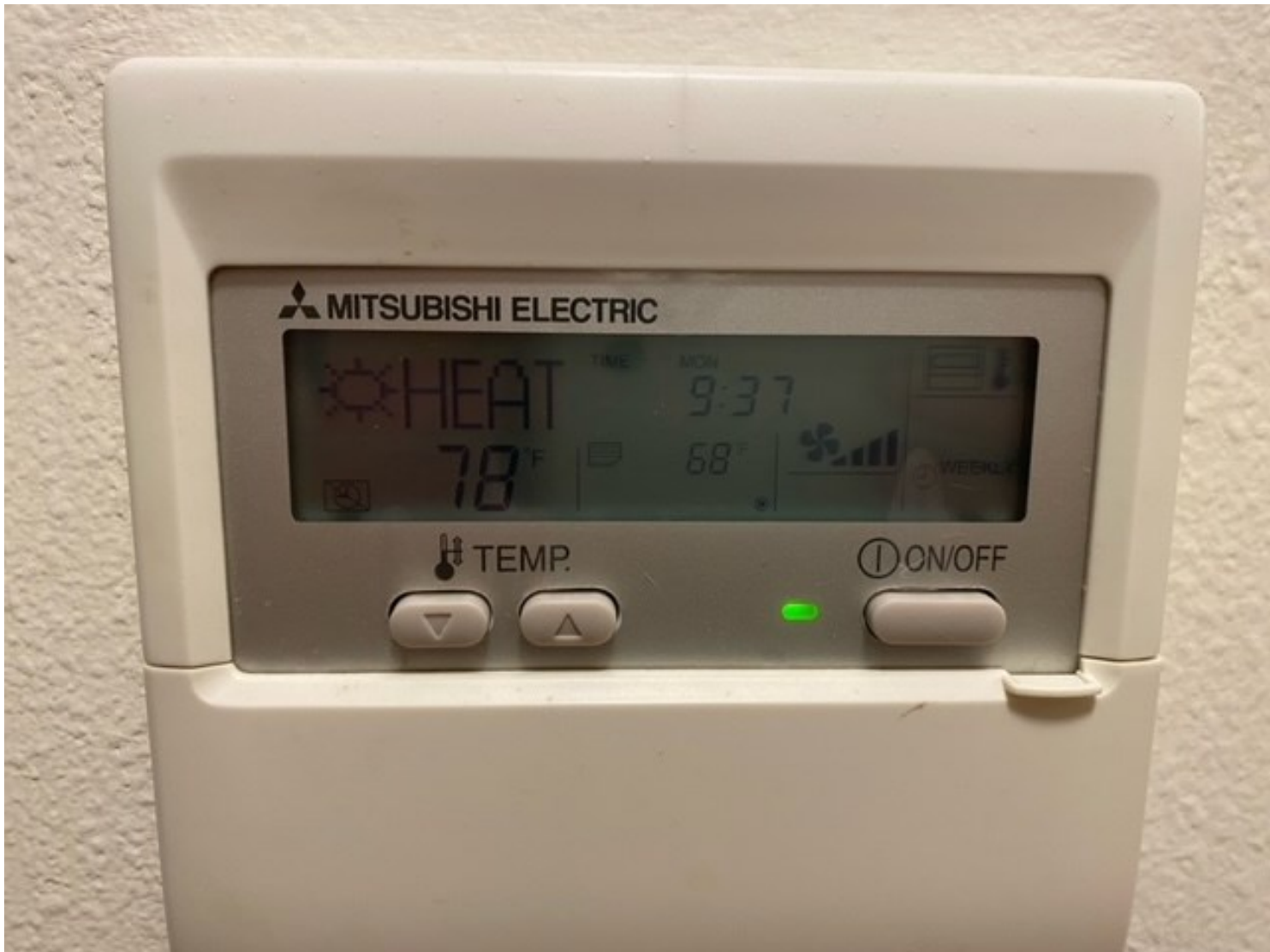
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To view this discussion on the web visit <https://groups.google.com/d/msgid/77-central-neighbors/CAKawrGoR%3D04agiW%3DpUAfHrXr7gfXpmU2dZTevrz0D%2B8rZ0wnbg%40mail.gmail.com>.







NOTICE REQUESTING REPAIRS

Date: 10/24/2022

Cushman & Wakefield  
2630 77<sup>th</sup> Avenue SE  
Mercer Island, WA 98040

Dear Cushman & Wakefield,

This is to notify you that the rental unit B231 at 7785 Sunset HWY, Mercer Island, Washington 98040, which you manage and which I occupy **needs repairs for the following defects:**

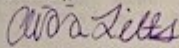
1. **Loss of heat.**
2. The **carbon monoxide (CO) ventilation system** in the garage is making a humming/whining noise, which is a sign of **improper maintenance**. The extremely high concentrations of CO (aka the silent killer) produced by a car engine can raise CO concentrations to dangerous levels in just a minute or two within a garage no matter if it is completely enclosed or not. Large amounts of CO can overcome you in minutes without warning – causing you to lose consciousness and suffocate. Furthermore, the CO has the ability to leak into the units and hallways above. It takes several hours for CO to build up in a home for the CO detector's alarm to go off and currently there are NO CO detectors in the hallways. **CO is life threatening and therefore it is vital that we have a properly working ventilation system.** Finally, the resulting noise is a nuisance to the entire second floor of B building south side.
3. **Glass shower door**, which was shattered prior to move in. Shower is unusable in current state, as it would result in water damage to sounding areas.
4. **Loss of AC.**
5. **Loss of Hot water** from October 16-20; temporary fix as of October 20, but no confirmation that repairs are permanent.

The Washington Residential Landlord Tenant Act requires you to begin to make repairs requested by me within one of these specific time periods:

1. **Twenty-four (24) hours** to repair the loss of hot or cold water, **heat** or electricity, or a condition **imminently hazardous to life**. RCW 59.18.070 (1).
2. **Seventy-two (72) hours** when the defect deprives the tenant of the use of a refrigerator, range and oven, or a major plumbing fixture supplied by the landlord. RCW 59.18.070 (2).
3. **Ten (10) days in all other cases.** RCW 59.18.070 (3).

A list of landlord responsibilities required by the Act is attached. If the repairs are not completed within the applicable period of time, I intend to use the remedies provided in the Act.

Sincerely,



Alicia Litts

**From:** Jenny Richards/USA <Jennifer.Richards@cushwake.com>  
**Sent time:** 12/23/2022 02:27:27 PM  
**To:** Alicia Litts <adiane02@hotmail.com>  
**Subject:** Automatic reply: B231 - Formal Notice of Repair Request - Confirmation of Receipt Requested

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Thank you for your e-mail. I will be out of the office through Tuesday, January 3rd; however, if you have an urgent need or in case of an emergency, please contact Jodie Buckner at (425) 282-2563. Otherwise, I will respond to emails upon my return.

Happy Holidays!

Jenny Richards

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