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Tenant Can Terminate Lease if Landlord Can't Deliver Possession

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In a recent ***Kent County Circuit Court*** case, the court found that where the landlord could not deliver possession of the property by the date set forth in the lease, the tenant could terminate the lease.

In ***SBO, LLC v Transnation Title Agency of Michigan Greater Grand Rapids Division, LLC***, the landlord and the tenant entered into a lease which required the landlord to deliver possession of the premises to the tenant by July 1, 2013.

When the previous tenant failed to vacate the premises on time, the landlord was unable to deliver possession by that date. The tenant terminated the lease, and the landlord filed suit. The court found that the tenant had properly terminated the lease, since the lease specifically allowed the tenant to terminate if the landlord could not deliver possession by July 1, 2013. The landlord's case was dismissed.

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