

Garibaldi Inn of Court
May 9, 2024 Program – Use of AI in ADR
Dispute Scenario

A homeowner (the “owner”) entered into a contract with a contractor (the “contractor”) to renovate the homeowner’s kitchen as designed by the homeowner’s architect (the “architect”). The contract between the owner and the contractor provides that the contractor was obligated to complete the kitchen renovation “in accordance with the architect’s plans and specifications.” As the project was nearing completion, the owner concluded that kitchen cabinetry, which the architect had specified and homeowner had purchased directly from the cabinetmaker rather than through the contractor, appeared to be installed unevenly, and that the finish on the cabinets varied from one cabinet to another.

The owner believes that the apparent variation in the cabinet finish is the result of a cleaning solvent which the contractor applied to the cabinets before it installed them. The owner also believes that the contractor has not installed the cabinets properly leading to the uneven appearance of the cabinets.

The contractor maintains that the variations in the cabinet finish is a manufacturing defect and that the “solvent” contractor applied to the cabinets before installing them was nothing more than a damp cloth. As for the “uneven” appearance of the cabinets, the contractor maintains that each cabinet had to be individually installed, due to the “out of plumb” conditions in the home overall, and particularly in the kitchen.