

Master Key Cannot Unlock Notice

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On September 9, 2026, the Michigan Court of Appeals, in *Nguyen v Zen Troy, LLC and Unicorp National Development, Inc*, affirmed the decision of the Oakland County Circuit Court in *Nguyen v Zen Troy, LLC and Unicorp National Development, Inc* (Case No. 2024-206036-CZ), and held firm in establishing that landlords have a limited duty to prevent criminal acts taking place during a tenant's leasehold.

In this case, Plaintiff asserted counts of negligence, gross negligence, intentional infliction of emotional distress, and negligent infliction of emotional distress. Specifically, Plaintiff alleged Defendants knew or should have known that a former manager retained unauthorized staff access to all apartments in the complex where she was once employed, despite Defendants' employee deactivating her master key to the locks. The physical key still retained access, and the former employee used that access to let herself into several apartments and commit thefts of appliances and jewelry. Plaintiff was one such victim of that theft and filed suit. The Oakland County Circuit Court granted Defendants' Motion for Summary Disposition under MCR 2.116(C)(10). Under the negligence allegations, the Court found Defendants had no duty to anticipate or prevent the former employee's criminal acts due to the fact that she had no history of such conduct. The Court granted summary disposition on the emotional distress claims on a finding of no extreme or outrageous conduct, nor did Plaintiff bear witness to any injury to a third party.

The Michigan Court of Appeals considered Plaintiff's appeal, the key question being whether Plaintiff had identified a specific, imminent risk that the former employee would unlawfully enter Plaintiff's apartment. While the former employee had been terminated, this was for performance-related reasons, not any theft, dishonesty, or any other reason suggesting that she would pose a security risk to the property or other tenants residing there. Thus, when the former employee was terminated, she no longer was an employee, but simply a tenant. Under *Bailey v Schaaf*, 494 Mich 595 (2013), landlords are permitted to presume that each of their tenants will obey the law on their property. The Court's key reasoning was that "the evidence permitted an inference that Arnold possessed and used an

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The duty of a landlord to protect tenants from criminal acts hinges upon whether the act could be foreseen. Here, the Michigan Court of Appeals declined to extend that duty despite the Defendants providing a way for their former employee to access others' apartments. Their reasoning hinges on the lack of notice – the former employee was let go for performance reasons, not anything related to theft or dishonesty. Defendants had no notice the employee had any tendency to this type of behavior, and no reason to suspect that she would participate in it.

This ruling is important as it emphasizes the role of foreseeability to the landlord. Defendants certainly had notice that illegal activity was occurring on the property, but that is not enough to impute liability; the law's protection will extend to the landlord without any specificity. If the former employee had been fired for theft from apartments and they allowed her to continue residing, it is possible this case would have survived summary disposition as Defendants would have been on notice that she tended to act in this manner. But with no reason to suspect their former employee, the limited duty protected Defendants and the lower court's ruling was affirmed.

unauthorized master key, but it did not permit a reasonable inference that defendants knew or should have known. . . that Arnold possessed such a key or intended to use it to enter plaintiff's apartment." *Nguyen v Zen Troy LL*. Since these crimes were committed after the employee's termination and the employer had no notice of any untoward conduct, summary disposition was appropriate, and the Michigan Court of Appeals affirmed.

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