



## WHAT TO DO WHEN YOUR CONTRACTOR WALKS OFF THE JOB

Hiring a contractor for your construction project or home renovation is often a significant investment, both financially and of your time. Unfortunately, situations arise where a contractor walks off the job, leaving the job incomplete and/or in poor workmanship. This can be frustrating and costly for businesses and homeowners. Understanding your legal recourse in these scenarios is crucial for protecting your interests.

It is essential to understand the contractual obligations of your contractor. Typically, a contract outlines:

- **Scope of Work: Detailed descriptions of the tasks to be completed.**
- **Timeline: Project milestones and completion dates.**
- **Payment Terms: How and when payments will be made.**
- **Breach of Contract: Conditions under which either party can terminate the agreement.**

If a contractor fails to fulfill their obligations without justification, they may be in breach of contract. Keep thorough records of communications with the contractor, including emails, text messages, and notes from phone calls. Document the work completed and any delays or issues encountered. This information will be vital if legal action becomes necessary. If a contractor quits in the middle of a job, the first thing you want to do is notify the contractor in writing of the scope of work they failed to finish and consult with a legal professional to provide further guidance tailored to your specific situation.

Below is a breakdown of the common causes of action and legal avenues available to property owners when legal action becomes necessary:

### **Breach of Contract**

If a contractor fails to fulfill their obligations outlined in the contract, the property owner can claim damages for breach of contract. This typically involves proving the existence of a valid contract, the contractor's failure to perform as agreed, and the resulting damages from the breach. You may also be able to claim any additional costs incurred to hire another contractor to finish the project and/or fix the poor workmanship.

### **Quantum Meruit**

If the contractor partially completed work before walking off the job, the property owner might pursue a claim for quantum meruit. This legal principle allows for recovery of payment for services rendered, even in the absence of a formal contract.

## **Unjust Enrichment**

Similar to quantum meruit, an unjust enrichment claim arises when one party benefits at the expense of another. If a contractor leaves a project after receiving payments but before completing the work, the property owner may argue that it is unjust for the contractor to retain those funds without delivering the agreed upon services.

## **Fraud or Misrepresentation**

If the contractor walked off the job after making false representations about their capability, schedule, or other critical factors to secure the job, the property owner may have grounds for a fraud claim.

## **Conclusion**

When a contractor walks off the job, it can be a daunting situation. However, understanding your legal rights and options is vital. Consulting with a qualified attorney can provide clarity on the best approach to take, whether it involves pursuing damages, or exploring other remedies available under New York law. Understanding these legal frameworks can help protect your interests and mitigate losses in the event of a contractor's abandonment.

If you have any questions or need assistance, our team at James G. Dibbini & Associates, P.C. is here to help. Contact us to schedule a consultation.

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**James G. Dibbini & Associates, P.C.**

**570 Yonkers Avenue**

**Yonkers, NY 10704**

**(914) 240-8270**

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