

SUPREME COURT OF GEORGIA

Efficiency Lodge, Inc. v. Neason

No. S22G0838, Supreme Court of Georgia (June 21, 2023)

SUMMARY

We need to summarize this caselaw for search indexing. Key legal topics: landlord-tenant relationship, innkeeper-guest relationship, eviction, dispossessory proceedings, extended-stay motel, possession

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Pinson
JURISDICTION	Georgia
DECIDED	June 21, 2023
DOCKET	S22G0838
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from the Court of Appeals; certiorari granted.
STANDARD OF REVIEW	The court did not explicitly state a standard of review but reviewed the legal question de novo, noting that the existence of a landlord-tenant relationship is a mixed question of law and fact.
PRECEDENTIAL VALUE	Published
PARTIES	Efficiency Lodge, Inc. v. Armetrius Neason, Lynetrice Preston, and Altonese Weaver

TOPICS

- landlord tenant
- civil procedure
- statutory interpretation
- appellate procedure
- remedies
- injunctions

PRACTICE AREAS

- Real Property
- Landlord-Tenant
- Innkeeper-Guest

QUESTIONS PRESENTED

- Whether an extended-stay motel must go through dispossessory proceedings to evict occupants who have stayed there for a long period of time, i.e., whether the parties are in a landlord-tenant relationship.

HOLDINGS

1. A landlord-tenant relationship is created when the owner grants the right to possess and enjoy the property, which may be express or implied. Possession is established by acts of ownership and control, including using property as a dwelling place. Consent is determined from the written agreement and, if necessary, the parties' conduct. The lower courts erred by not applying this framework and by treating the landlord-tenant and innkeeper-guest inquiries as strictly interchangeable.

KEY QUOTATIONS

“the owner of real estate grants to another person, who accepts such grant, the right simply to possess and enjoy the use of such real estate either for a fixed time or at the will of the grantor.” (2)

“Using property as a home ordinarily establishes possession because the kinds of acts associated with using property as a home match up with traditional hallmarks of possession.” (22)

“substance generally prevails over form; mere labels or talismanic language in an agreement are not dispositive, at least not by themselves.” (29)

“the question whether a landlord-tenant relationship has been created is a mixed question of fact and law.” (34)

FACTUAL BACKGROUND

Three plaintiffs each rented rooms at Efficiency Lodge, an extended-stay motel, for months or years. They used the rooms as their homes: receiving mail, registering children for school, decorating, and bringing personal belongings. They fell behind on rent and were threatened with eviction. Each signed a rental agreement stating the relationship was 'Innkeeper and Guest' and not 'Landlord and Tenant.' The agreements had blank end dates, provided for weekly rent, allowed motel entry for maintenance, and mentioned eviction costs. The Lodge sent a letter acknowledging plaintiffs might be tenants at will.

PROCEDURAL HISTORY

The trial court granted a permanent injunction requiring Efficiency Lodge to initiate dispossessory proceedings before evicting plaintiffs. The Court of Appeals affirmed. The Supreme Court granted certiorari.

DISPOSITION

vacated

REMAND INSTRUCTIONS

On remand, the trial court should apply the legal framework set out in this opinion to determine whether a landlord-tenant relationship existed. If so, the Lodge must obtain a writ of possession. If not, the court may consider whether the parties were in an innkeeper-guest relationship and whether the lockout remedy under OCGA § 43-21-3.2 applies.

CASES CITED

- Bonner v. Welborn, 7 Ga. 296 (1849)
- Garner v. La Marr, 88 Ga. App. 364 (76 SE2d 721) (1953)
- Camp v. Delta Air Lines, Inc., 232 Ga. 37, 39 (205 SE2d 194) (1974)
- Potts-Thompson Liquor Co. v. Potts, 135 Ga. 451, 456 (69 SE 734) (1910)
- Plank v. Bourdon, 173 Ga. App. 391, 394 (2) (326 SE2d 571) (1985)
- Orr v. Neilly, 67 F2d 423, 424 (5th Cir. 1933)
- Clayton Cty. Bd. of Tax Assessors v. Aldeasa Atlanta Joint Venture, 304 Ga. 15, 16-17 (1) (815 SE2d 870) (2018)
- Ouseley v. Foss, 188 Ga. App. 766, 767 (374 SE2d 534) (1988)
- Langley v. MP Spring Lake, LLC, 307 Ga. 321, 325-326 (834 SE2d 800) (2019)
- Littleton v. Wynn, 31 Ga. 583, 585 (1860)
- McCullough v. Reyes, 287 Ga. App. 483, 486 (1) (651 SE2d 810) (2007)
- Hawkins v. Tanner, 129 Ga. 497 (59 SE 225) (1907)
- Sharpe v. Mathews, 123 Ga. 794, 797-798 (51 SE 706) (1905)
- S.S. Air., Inc. v. City of Vidalia, 278 Ga. App. 149, 150 (1) (628 SE2d 117) (2006)
- Thrasher v. City of Atlanta, 178 Ga. 514, 529 (173 SE 817) (1934)
- Page v. Jones, 186 Ga. 485, 491-492 (3) (198 SE 63) (1938)
- Hadaway v. Smedley, 119 Ga. 264, 269 (2) (46 SE 96) (1903)
- Wood v. McGuire, 15 Ga. 202, 204 (1) (1854)
- Ammons v. Central of Ga. Ry. Co., 215 Ga. 758, 761 (1) (113 SE2d 438) (1960)
- Bentley v. City of Atlanta, 92 Ga. 623, 627 (1) (18 SE 1013) (1893)
- Kahn v. Britt, 330 Ga. App. 377, 391-392 (7) (765 SE2d 446) (2014)
- Mackenzie v. Minis, 132 Ga. 323, 330-331 (63 SE 900) (1909)
- Atlanta Bread Co. Intl. v. Lupton-Smith, 285 Ga. 587, 589 (2) (679 SE2d 722) (2009)
- Houston Gen. Ins. Co. v. Brock Constr. Co., Inc., 241 Ga. 460, 465 (246 SE2d 316) (1978)
- Wolkin v. Nat. Acceptance Co., 222 Ga. 487, 489 (150 SE2d 831) (1966)
- Terry v. State Farm Fire & Cas. Ins. Co., 269 Ga. 777, 778 (2) (504 SE2d 194) (1998)
- Coppedge v. Coppedge, 298 Ga. 494, 498 n.3 (1) (783 SE2d 94) (2016)
- Armistead v. McGuire, 46 Ga. 232, 235 (1872)
- Scruggs v. Purvis, 218 Ga. 40, 42 (126 SE2d 208) (1962)
- Preferred Risk Mut. Ins. Co. v. Jones, 233 Ga. 423, 425 (1) (211 SE2d 720) (1975)
- Hanham v. Access Management Group L.P., 305 Ga. 414, 417 (3) (825 SE2d 217) (2019)
- Am. Century Mortg. Investors v. Bankamerica Realty Investors, 246 Ga. 39, 40 (2) (268 SE2d 609) (1980)
- Hughes v. Great Southern Midway, Inc., 265 Ga. 94, 95 (1) (454 SE2d 130) (1995)
- Williams v. State, 261 Ga. App. 511, 513 (1) (583 SE2d 172) (2003)
- Cham v. ECI Mgmt. Corp., 311 Ga. 170, 185 (856 SE2d 267) (2021)

- GeorgiaCarry.Org, Inc. v. Atlanta Botanical Garden, Inc., 306 Ga. 829, 844 (834 SE2d 27) (2019)
- Dolan v. City of Tigard, 512 U.S. 374, 393 (114 SCt 2309, 129 LE2d 304) (1994)

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