

## **FIX IT UP!**

*Bruce Turner*

### Should You Fire Your Contractor?

At some point in a major remodeling job, the thought is probably going to cross the homeowner's mind – the crew was late again this morning, the work isn't getting done fast enough, the place is a mess, and I'm gonna fire this guy and get somebody else. In 23 years, it's happened to me exactly once. The client I was working for told me she didn't have confidence in my work anymore, and wanted to have another contractor finish the job.

If you've reached this point, ultimately you'll want to negotiate a reasonable settlement of the contract so you can both move on. Your first step will be to closely inspect your contract (hopefully you did that before you signed it) for specifics on how to terminate the relationship. It may not be easy.

You see, unless whatever the contractor is doing specifically violates his contract with you, you often don't have the right to break the contract and kick him to the curb. If you're seriously concerned about work quality, safety or other urgent issues, you need to check the contract for an exit clause. That will tell you what both your rights are in breaking the contract – what's required and how it must be done. You probably can't just decide that because he showed up late three days in a row – or didn't show up at all – that you're going to fire him.

If you fire a contractor without clear permission in the contract, you're opening up a legal can of worms. The contractor can sue you or slap a lien on your house for the unpaid balance, and the money is going to start flowing out of your pocket. Too many times, my company has been brought in to replace a fired contractor who wasn't doing good work. Typically, the first contractor objects and the client winds up paying for a legal process – not to mention paying twice for some of the same work.

So how do you preserve the relationship with your contractor and prevent an expensive breakdown? Talk to him. Communication between contractor and client is all-important. Most problems seem to occur when the client's concerns are not being met. I can't stress enough the importance of having a way for the client to voice concerns, ask questions and provide immediate feedback. It's only when all other means have failed and communication has stopped that the relationship fails.

Of course, the breakdown isn't always the contractor's fault, but I've never had a customer so unreasonable that I couldn't work with them. The work we do is just like a short-term marriage. We're sharing your house, we're working through issues and trying to build something permanent. And we need to communicate when things get difficult, because an amicable divorce is nearly impossible to accomplish.

By the way, the one time I was fired didn't end amicably. The client refused to pay me the agreed-upon settlement, so I had to go to court to get it. And I wound up suing the new contractor for unfair business practices in illegally undercutting my contract with the client. When the dispute gets legal, everybody loses. So if there's a way of working things out, it's always preferable.

*Bruce Turner is president of TurnerBuilt, Inc. in Half Moon Bay. He can be reached at [bturner@turnerbuilt.com](mailto:bturner@turnerbuilt.com)*