



What is the difference?

Normal wear and tear refers to the gradual deterioration that occurs to a property or item over time as a result of ordinary, reasonable use. It includes the natural aging process and minor deterioration that is expected with regular use, such as light scuff marks on floors, faded paint, or worn carpet in high-traffic areas.

Damage, on the other hand, refers to any significant or excessive deterioration or destruction of property or items beyond what would be considered reasonable or expected from normal use. It typically results from negligence, misuse, accidents, or intentional acts that cause harm or reduce the value or usability of the property or item. Damage often requires repair or replacement to restore the property or item to its original condition. Also note that excessive dirt is considered damage because it results from carelessness or negligence.

Normal wear and tear defined:

The legal definition of “normal wear and tear” as stated in the Colorado Real Estate Commission manual and defined in Section 38-12-102, C.R.S:

“Normal wear and tear means that deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident, or abuse of the premises or equipment or chattels by the tenant or members of his household, or their invitees or guests.”

What are some examples?

Below are examples provided to aid in distinguishing between the anticipated effects of 'wear and tear' resulting from typical residential usage and the consequences of negligent, deliberate, or inadvertent actions leading to damage to a landlord's property.

| <u>Wear & Tear</u> | <u>Damages</u> |
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| 1. Small nail holes caused by a nail that is 2 inches long and is used for hanging picture frames and other items on walls | Large holes from hanging shelving, wall anchors, flat screen television brackets or any other wall hanging that causes damage larger than a 6 penny nail |
| 2. Faded paint | Spot painting and patching |
| 3. Faded caulking around the bathtub and tiles | Missing caulking around the bathtub and tiles |
| 4. Hard water deposits. | Buildup of dirt, mold, mildew, or water stains from a preventable water leak |
| 5. Worn out keys | Broken, lost or unreturned keys |
| 6. Loose or stubborn door lock | Broken or missing locks |
| 7. Loose hinges or handles on doors | Damage from a door from forced entry, or damage from using feet to open doors |
| 8. Worn carpet traffic patterns | Torn, burned, stained, missing, ripped, scratched, or snagged carpet, pet damage |
| 9. Faded finish on wood floors | Scratched, gouged, warped or water damaged wood floors |
| 10. Linoleum worn thin | Linoleum with tears, chips or holes |
| 11. Worn countertops due to daily use | Burned, cut, stained, scratched or water damaged countertops |
| 12. Drywall cracks from settling | Holes in walls, doors, screens or windows from misuse, negligence, or carelessness |
| 13. Faded, chipped or cracked paint | Unapproved or poor tenant paint job |
| 14. Loose wallpaper | Ripped or marked-up wallpaper |
| 15. Worn or heat blistered mini-blinds | Broken, bent, cracked or missing slats, wands or hardware. Broken strings. |
| 16. Dirty window and door screens | Torn or missing screens |
| 17. Sticky window | Broken window |
| 18. Loose or inoperable faucet handle | Broken or missing faucet handle |
| 19. Running toilet | Broken toilet seat, tank top or chipped or cracked toilet bowl |

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| 20. Musty odor | Urine or pet odor throughout unit |
| 21. Closet bi-fold door off track | Damaged or missing bi-fold door |
| 22. Non-functioning smoke or CO detector | Missing or detached smoke detector or CO detector or missing batteries |
| 23. Non-functioning light fixture | Missing, burnt out, or incorrect style light bulbs |
| 24. Dry lawn | Lawn with pet urine spots, dead areas, excessive weeds |
| 25. Slow draining drains | Drains that are clogged by hair, toys, or other non-flushable objects |

**For more information please contact PMI Mile High
at 303-750-7070, admin@pmimilehigh.com or visit**

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