

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STEVEN K. WHEELER,	:	APPEAL NO. C-070871
	:	TRIAL NO. A-0503641
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
	:	
CITY OF CINCINNATI,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant the city of Cincinnati appeals the trial court's decision ordering the city to issue a vacant-building maintenance license to plaintiff-appellee Steven Wheeler.

Cincinnati's appeal argues that the judgment was against the manifest weight of the evidence and that the trial court abused its discretion because its decision to order the vacant-building maintenance license was unsupported by competent and credible evidence. We see no distinction between the two and address them together.

Judgments supported by competent and credible evidence must not be reversed as being against the weight of the evidence.² "An appellate court must indulge every reasonable presumption in favor of the lower court's judgment and finding of facts. In the event the evidence is susceptible to more than one interpretation, the appellate court must construe it consistently with the lower court's judgment."³

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

²*Gerijo, Inc. v. Fairfield*, 70 Ohio St.3d 223, 1994-Ohio-432, 638 N.E.2d 533.

³ Id.

The trial court found in this case that Wheeler had invested thousands of dollars, along with several hundred personal hours, in making repairs to the building. There had been no signs of water infiltration despite Cincinnati's expert's testimony that water infiltration might occur without being seen.

Cincinnati argues that the building at issue was not watertight because a window was broken.

The trial court also correctly noted that the Cincinnati Municipal Code requires only that the property be weathertight and not necessarily watertight: the code does not require that the building be perfect or even habitable. We must avoid statutory interpretations that create absurd or unreasonable results. If we accepted Cincinnati's argument that the building should be torn down because a window was not watertight (as opposed to the statutory standard of "weathertight"⁴), the results would be absurd and unreasonable. Watertight is not interchangeable with weathertight. There was evidence to show that the building as a whole was weathertight. The trial court's judgment was supported by competent and credible evidence, and accordingly its judgment is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

PAINTER, P.J., HENDON and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 15, 2008
per order of the Court _____.
Presiding Judge

⁴ Cincinnati Municipal Code 1101-79.