

# Family prepares to sue landlord in fatal fire

BU student Bindland Lee was trapped in Allston building's attic

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GLOBE STAFF

The family of a 22-year-old Boston University student who died in a fire last year after getting trapped in her attic bedroom is filing a lawsuit against the landlord and brokers, accusing them of renting an illegal apartment with insufficient exits and a faulty fire-alarm system.

The wrongful death suit, which is expected to be filed Wednesday in Suffolk Superior Court, comes three months after the Globe's Spotlight Team published a detailed reconstruction of that terrifying morning in Allston when Binland Lee's last screams were heard as her fellow tenants jumped out of third-floor windows at 87 Linden St.

The Spotlight investigation revealed persistent problems at the overcrowded house and the failure of key individuals — from the building's past and present owners to city regulators — to do much about them. When Lee, a marine science major from Brooklyn, moved into the building in 2012, landlord Anna Belokurova was renting out nearly every space as a bedroom, leaving the tenants on the third floor with only one way out, down a flight of stairs. On April 28, 2013, those stairs were blocked by surging smoke and flames.

The first warning people on the third floor received of the approaching inferno was when the smoke detector on the ceiling of the attic's common hallway was activated, according to the lawsuit. By the time the alarm went off, thick smoke and heat made it impossible to use the stairs to escape.

The apartment did not comply with the building code because there were not two means of egress, and the fire-detection system, which did not have a required city permit, either malfunctioned or was not interconnected in accordance with the law so that an early warning would sound on the upper floors, according to the complaint to be filed by Albert L. Farrah Jr., an attorney for the Lee family.

"Had that second means of egress been in place — and it was not — and had a properly outfitted, properly operating fire alarm system been in operation the occupants of the top floor bedrooms would have had time to escape to safety," the complaint says.

Lee's family has been devastated by her death. The lawsuit was filed by her father, Wah Lee, representing her estate.

"I miss my daughter Binland so much," Xu Mei Kwong, a Chinese seamstress, said of her only child. "I do not feel good every day."

The five residents and guests who escaped by leaping from third-story windows were treated for various injuries, including smoke inhalation, a fractured back, a sprained ankle, and an injured wrist. After the fire was brought under control, Lee was found a few feet from her bedroom window with burns over 99 percent of her body, the lawsuit said. The official cause of death was smoke inhalation.

Several individuals are named as defendants in the wrongful death suit, including Belokurova, the property owner, as well as the Gateway Real Estate Group, which rented the apartment to Lee and six housemates and, according to the complaint, should have known about the problems.

Frank L. Fragomeni Jr., a lawyer representing Belokurova, said the circumstances surrounding the fatal fire were thoroughly investigated by public and private professionals, and "the investigation has confirmed that the building and all of its systems, including the smoke/fire detectors therein, were in full compliance with all building/fire protection/life safety codes



Binland Lee, in the fall of 2012.

and regulations.”

Fragomeni, who said Lee’s apartment had proper egress, added, “Anna did not in any way cause or contribute to the fire, and she will vigorously defend any allegations that she had any responsibility for the unfortunate circumstances that resulted in the death of Ms. Lee.”

Gateway officials did not return messages seeking their comment.

Gateway, which specializes in student rental housing, is the same Allston company that rented 84 Linden St. to a group of undergraduates before a fire tore through the house in January 2012. That blaze forced Josh Goldenberg, a Boston University student, to jump from a third-floor window. He suffered major head trauma and neurological problems that linger. Goldenberg and another BU student injured in the fire filed a lawsuit against the landlords and Gateway and recently settled the case.

Although the Suffolk district attorney’s office has completed its investigation of the fire at 87 Linden St. with the help of Boston police and fire officials, the legal review is still ongoing, according to Jake Wark, a spokesman for the district attorney, Daniel F. Conley. He had no timeline for when a determination would be made on whether the prosecutor’s office would pursue charges.

During an interview with the Globe earlier this year, Boston Fire Lieutenant Thomas Murray, one of the department’s investigators, said Lee’s apartment did not have a second means of egress because a living room shown on building plans with a sliding glass door to an outdoor deck had been converted into a bedroom.

“On paper there were two means of egress,” Murray said. “In reality, it was a bedroom.”

The house at 87 Linden St., which listed six bedrooms in building plans with the city, had been converted to have 12 bedrooms. At the time of the fire, they were being shared by 14 residents, including three people who lived in basement spaces that city inspectors had cited as illegal in 2001, before Belokurova owned the property.

A prior owner had converted it to a two-family home after a fire in the 1990s, splitting up the building in an unusual way by blocking off the central staircase that once connected the first and second floors.

Lee and her housemates nicknamed these stairs “the Pit,” and discussed filling the area with plastic balls to make a play space like at a Chuck E. Cheese’s restaurant. Instead, they used it as storage for boxes, scuba gear, a snowboard, and vinyl records.

The fire appears to have started in the Pit and moved quickly through the wood-frame home.



BOSTON FIRE DEPARTMENT/FILE

**Boston firefighters secured the residence at 87 Linden St. in Allston after battling a fire that took the life of Boston University student Binland Lee, 22, on April 28, 2013.**

The Fire Department concluded that the cause was “unintentional, careless disposal of smoking materials,” but residents deny that anyone smoked in the house the night before the blaze.

When Lee and her friends moved into the house in the fall of 2012, Belokurova had just emerged from bankruptcy protection after years of financial distress. The landlord had purchased properties in Allston and other neighborhoods during the real estate boom, but her huge loans had fallen into default.

The city was aware of problems at the property back in 2000, according to records from its Inspectional Services Department. And in interviews, former tenants cited heating and electrical issues that had plagued the building for years after Belokurova purchased it in 2002. One student tenant reported fleeing after dealing with heating, electrical, and water problems, broken stairs, and then an alleged assault by a repairman.

An appraisal of the house filed in March 2011 as part of the bankruptcy proceedings involving Belokurova stated that 87 Linden had “accrued a more-than-average amount of physical depreciation. Several windows, flooring, moldings, appliances, fences, stairs, stairways, and some siding needs replacing, and also needs electrical updating.”

Sevag Birindjian, who married Belokurova in 2007, said he used to visit the properties she owned, and tried to fix some problems and discuss making improvements, including for 87 Linden St.

“She talked about putting a door to come out to a balcony and stairs that would bring you from the third floor to the second. It would have been \$6,000 or \$7,000, and it’s too much, she said, and she decided not to do it,” Birindjian said.

The couple separated several years ago, he said, but went to 87 Linden together after learning of the fire.

They then went to a nearby office, he said, where Belokurova met with her insurance adjuster and several other people involved in the real estate business, and talked about making an insurance claim.

In the days after the fire, city inspectors issued citations to Belokurova for running an illegal rooming house, and not having permits to create bedrooms in the basement.

However, the city agency never followed up with complaints in Housing Court because building permits were obtained for work to rehabilitate the property, according to Lisa Timberlake, a spokeswoman for the Inspectional Services Department.

Despite Boston Mayor Marty Walsh’s vow to crack down on scofflaw landlords after the Spotlight Team’s “Shadow Campus” series, his newly appointed commissioner of inspectional services said he would not pursue charges against Belokurova.

“I have no plans to go back and try to forensically look back at what happened,” said William “Buddy” Christopher Jr., who became the department’s director after the Spotlight Team report was published in May.

“It’s not something on my desk to be reviewed,” Christopher said. “I’m dealing with the violations in front of me.”