

Landlord v Tenant®

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HIGHLIGHTS / JULY 2005

Petition Valid Despite Missing Information #18195*

(Decision submitted by Manhattan attorney Adam Leitman Bailey, who represented the landlord.)

Landlord sued to evict rent-controlled tenant for nonprimary residence. Tenant asked the court to dismiss the case based on defects in the petition. The process server didn't put the index number, or place, room, and time of the court date on the petition. The court ruled against tenant. Tenant appeared in court and agreed to waive any defenses based on improper service, and consented to the court's jurisdiction. So tenant waived the right to raise the defects of landlord's failure to include the date, room, and time of court appearance as defenses. Landlord also pointed out that this information was contained on the back of the petition. As to the failure to include the index number in the petition, this is a technical defect that doesn't warrant dismissal of the petition.

■ Profile Enterprises, LP v. Sanzo: L&T Index No. 105448/04 (Civ. Ct. NY 6/7/05; Wendt, J) [14-pg. doc.]

Tenant Arrested for Not Appearing at Pre-Trial Hearing #18196*

(Decision submitted by Manhattan attorney Adam Leitman Bailey, who represented the landlord.)

Landlord sued tenant over a judgment against a lease guarantor. Tenant didn't appear for pretrial questioning ordered by the court. Landlord then asked the court to hold tenant in contempt. The court ruled for landlord and ordered tenant to pay a fine and meet certain conditions to cure the contempt. Tenant didn't comply with the court's further order, and landlord sought an arrest warrant. The court ruled for landlord. Tenant remained in contempt of court. His failure to appear for the deposition impaired landlord's ability to pursue its legal remedies.

■ Elliana Properties v. Shkrejja: Index No. 113835/01 (Sup. Ct. NY 5/12/05; Suarez, J); (Sup. Ct. NY 1/14/04; Friedman, J) [4-pg. doc.]

Violation Notice Didn't State Correct Address #18225*

(Decision submitted by Manhattan attorney Adam Leitman Bailey, who represented the landlord.)

Landlord got a violation notice for a sidewalk obstruction. Landlord objected to the violation notice. The ECB ruled for landlord and dismissed the violation. The violation notice didn't state the correct address of the building.

■ B.P. Vance Real Estate: ECB Docket No. E138346515 (5/31/04) [1-pg. doc.]