

Landlord v. Tenant

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HIGHLIGHTS / MAY 2003

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Tenant Can't Consolidate Warranty of Habitability Case with Nonpayment Case

Dow v. 48 Tenant's Corp.: Index No.
1868TSN2001 (3/12/03) (Civ. Ct. NY; Scar-
pulla, J) [5-pg. doc.]

*(Decision submitted by Manhattan at-
torney Adam Leitman Bailey, who repre-
sented the landlord.)*

Landlord sued tenant in housing court for nonpayment of rent. Tenant then sued landlord in a separate civil court action for breach of the warranty of habitability. Tenant asked the civil court to consolidate the two cases. The court ruled against tenant. Consolidation of the two cases would mean a delay of the summary nonpayment case. And tenant can raise the habitability claim in the nonpayment case.