



NY Court Awards Landlord Massive Legal Fees in Veteran's Eviction Case

How tenants' rights, landlords' agendas, and the judiciary intersect can yield unpredictable outcomes.

NEW YORK, NEW YORK, U.S.A., February 27, 2017 /EINPresswire.com/ -- New York, NY. The New York Court of Appeals upheld a lower court decision to charge a tenant for all legal fees a landlord incurred in attempts to evict him. The matter was initially brought to the court's attention when the landlord, Larry Ginsberg, head of Algin Management/Laurence Towers LLC, and owner of over thirty high-rise buildings in New York, filed to evict a 40-year tenant on the basis of a late payment on one rental check.

Tenant Gerard Sunnen claims that this one check was duly sent but simply not cashed. He states, "My rent checks were cashed for forty years, and one month, nothing. Then I was led to understand that the market value of my apartment was a third more, and that unless I made up the difference, they wanted me out."

The matter landed in NYC's Housing Court, where months of court appearances cumulated landlord's legal fees, now billed to the tenant. Demanding some \$19,800 reflecting the copious rates of the landlord's lawyers, Belkin, Burden, Wenig and Goldman, LLP, the matter went to Judge Anne Katz, head of NY's Housing Court. Judge Katz upheld the landlord's demand.

Tenant Sunnen, a Vietnam-era U.S. veteran (USAF-MC 71-73; USAF Reserves 73-82), baffled by the verdict states, "When I came out of active military duty, that was my first rental, and during all these years I have been duly responsible. The landlord, however, has relentlessly tried to nix my rent stabilization, and this with some success. I have also been threatened with eviction and narrowly escaped the City Marshall's services."

Appealing the decision to the NY Supreme Court Appellate Term, First Department, the matter awaited final adjudication. In a January 2017 decision, justices Martin Shulman, Martin Schoenfeld, and Doris Ling-Cohan upheld judge Katz's order.

"Tenants' rights are sacrosanct in many cities around the world," tenant Sunnen added, "where community cohesion and cultural richness are so well respected. In these turbulent times moving to upend the essence of New York's proprietary fabric via massive real estate upheavals, veterans as all New Yorkers should live in the safety of spaces adequately shielded from powerful predatory interests, all in the context of a protective judicial system."

Attribution:

Gerard Sunnen
200 East 33rd Street, 26J
New York, NY 10016
Tel. 212-6790679
gsunnen@aol.com

References: Index No. L&T 92116/02

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Gerard Sunnen
212-679079
email us here
Gerard Sunnen, MD

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