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2024-01-17

11-15 New Montrose, HDFC v. Cirila Hernandez Coatl

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Civil Court of the City of New York
County of Kings

Index # **LT-300492-23/KI**



11-15 NEW MONTROSE AVENUE, HDFC
Petitioner(s)

Decision / Order

-against-
CIRILA HERNANDEZ COATL
Respondent(s)

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this motion:

Papers	Numbered
Order to show Cause/ Notice of Motion and Affidavits /Affirmations annexed	<u>1</u>
Answering Affidavits/ Affirmations	<u>2</u>
Reply Affidavits/ Affirmations	_____
Memoranda of Law	_____
Other	_____

Upon the foregoing cited papers, the Decision/ Order on the (motion / order to show cause) is

(granted /denied) for the following reason(s):

Respondents motion seeking dismissal pursuant to CPLR 3212(b) for a defective rent demand is granted, and for the petition which lacks a good faith basis for amount due. Here, the rent demand seeks additional funds beyond the petitioners rent statement provided. Additionally the petition seeks rent through November 2022, wherein the rent demand seeks rent through October 2022.

Courts have held that a proper rent

Date: 1/17

Judge of the Civil Court

Civ-GP-85

Civil Court of the City of New York
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Other	<u> </u>

Upon the foregoing cited papers, the Decision/ Order on the (motion/ order to show cause) is (granted /denied) for the following reason(s):

demand is a statutory prerequisite to a nonpayment proceeding (RPAPL 711 [2]) and an element of a landlords prima facie case (see Comm. Housing Innovations Inc v Franklin, 14 Misc3d 131 [CA] [AT 2nd Dept 9+10th Jud. Dist's 2007].

As the rent demand, nor petition accurately reflected the amount owed, and cannot be amended, the petition is dismissed without prejudice to any new proceedings and any defenses thereto

Date: 1/17/24

[Signature]
Judge of the Civil Court

Civ-GP-85

HANNAH COHEN
JUDGE, HOUSING COURT