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REB DOVID REALTY LLC v. Thorne

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9/17

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS: HOUSING PART S

----- X
REB DOVID REALTY LLC

Petitioner,

Index No. LT 323582/23

- against -

DECISION/ORDER

TAMISHA THORNE
JOHN DOE AND JANE DOE

Respondents.

----- X

Present: Hon. Julie Poley
Judge, Housing Court

In August of 2023 Petitioner commenced this non-payment proceeding against Respondent seeking \$7,417.28 in outstanding arrears through July of 2024. Respondent appeared by counsel and interposed one affirmative defense sounding in breach of warranty of habitability and three counterclaims seeking an order to correct, finding of harassment and counterclaim for breach of warranty of habitability.

Between April of 2024 and July 2024 the parties entered into four stipulations each containing provisions to address conditions in the unit. On September 11, 2024 Respondent moved via an order to show cause seeking an order to correct on the outstanding conditions in the unit. Petitioner opposes.

As the record is void of any defense to an order to correct, the Court enters an order pursuant to New York City Civil Court Act §110(c) directing Petitioner to correct all outstanding violation recorded by HPD to date. (See, <https://hpdonline.hpdnyc.org/HPDOnline> for the specific unit violations).

Both parties through respective counsel are to arrange the access dates. Exterminating the

premises shall include abating any holes and points of entry for the roaches and mice.¹

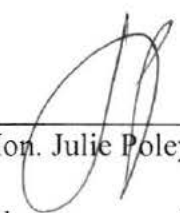
Additional access to be arranged between the parties if necessary. For all of the access dates, workers shall arrive by 11:00 am. During access, precautions necessary for the prevention of COVID-19, including but not limited to social distancing and wearing of facial masks shall be observed. All class (“C”) violations to be corrected within 7 days of access. All class (“B”) violations are to be corrected withing 30 days of access. All class (“A”) violations to be corrected within 60 days of access.

The balance of both parties claims and defenses are reserved for trial. This order is without prejudice to Respondent moving to extend the time to correct violations, which the Court will entertain on good cause.

Proceeding will appear in Part S Room 405 on October 22, 2024 at 10:30 am for immediate transferred to Part X for trial.

This constitutes the Decision/Order of the Court, a copy of which is being uploaded to NYSCEF.

Dated: Brooklyn, New York
October 11, 2024


 Hon. Julie Poley J.H.C. **Honorable Julie Poley**

¹ According to *New York City, HMC Code § 27-2017.4 (b)*, “..the presence of cockroaches, mice or rats in any room in a dwelling unit in a multiple dwelling or a common area shall constitute an immediately hazardous violation of this code as provided in this section and an owner shall comply with the work practices set out in subdivision a of section 27-2017.8 when correcting a such violation.” The work practices of *New York City, HMC Code § 27-2017.8*. require the owner to correct the violation by eliminating “....points of entry and passage for pests by repairing and sealing any holes, gaps or cracks in walls, ceilings, floors, molding, base boards, around pipes and conduits, or around and within cabinets by using sealants, plaster, cement, wood, escutcheon plates, or other durable material. Attach door sweeps to any door leading to a hallway, basement, or outside the building to reduce gaps to no more than one-quarter inch.” As such, respondent/owner must adhere to the above described integrated pest management practices to correct the roach infestation at the subject premises. Roach gel treatment alone is not enough to correct the violation.