

Landlord v. Tenant

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HIGHLIGHTS / SEPTEMBER 2004

WARRANTY OF HABITABILITY

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Tenant Can't Raise Claim in Illegal Sublet Case

315 West 94th St. Realty Corp. v. Rojas-Campos: L&T Index No. 050677/04 (8/9/04)
[7-pg. doc.]

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

Landlord sued to evict tenant for illegally subletting his apartment. In response, tenant claimed breach of the warranty of habitability. Landlord asked the court to dismiss tenant's claim. The court ruled for landlord. Tenant's habitability claim was unrelated to landlord's claim of illegal subletting. So tenant couldn't raise the issue as a defense or claim in this case.