

# Landlord v. Tenant

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## HIGHLIGHTS / JUNE 2003 PRIMARY RESIDENCE

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### **Tenant's Husband Maintained Separate Residence**

Riverton Assocs. v. Russell: Index No.  
250331/02 (Civ. Ct. NY 5/12/03; Acosta, J)  
[3-pg. doc.]

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

Landlord sued to evict Manhattan rent-stabilized tenant for nonprimary residence. Tenant's husband maintained a separate apartment in Queens. Landlord argued that this showed that tenant also lived in the Queens apartment. The court ruled against landlord. Tenant proved through believable testimony and documentary proof that she primarily resided at the Manhattan apartment. Tenant produced bank and credit card statements, a driver's license, income tax returns, and gas and utility bills connecting her to the subject apartment.