

**Unreported Disposition**

**(Cite as: 10 Misc.3d 137(A), 814 N.Y.S.2d 561, 2005 WL 3555720)**

**C**(The decision of the Court is referenced in a table in the New York Supplement.)

Supreme Court, Appellate Term, New York,  
First Department.

Abe HARUVI and Arthur Haruvi,  
Petitioners-Landlords-Appellants,

v.

Peter ROSEN and Anne-Marie Rosen,  
Respondents-Tenants-Respondents,  
and

"John Doe" and "Jane Doe", Respondents.

**No. 570684/05.**

Dec. 29, 2005.

Landlords appeal from an order of the Civil Court, New York County ([Peter M. Wendt, J.](#)), dated May 12, 2005, which granted tenants' motion for summary judgment dismissing the petition in a holdover summary proceeding.

Present: [McCOOE](#) J.P., DAVIS, [GANGEL-JACOB](#), JJ.

PER CURIAM.

\*\*\*1 Order (Peter M. Wendt, J.), dated May 12, 2005, affirmed, with \$10 costs.

We agree, essentially for reasons stated by Peter M. Wendt, J., that the notice of nonrenewal utilized by landlord was insufficient to serve as a predicate for the within owner occupancy proceeding, since it failed to set forth allegations tending to support the stated ground for eviction that were fact specific to this particular proceeding (*see* [Numano v. Vicario](#), 165 Misc.2d 457 [1995]).

The specificity requirements of Rent Stabilization Code (9 NYCRR) § 2524.2(b) were not satisfied by the barebones allegation concerning the first-named landlord's intent to primarily reside in the subject East 71st Street apartment premises (*id.*), or by the inclusion in the notice of an unamplified assertion that said landlord presently resides on the ground and first floors of a nearby building located at a specified

address on West 75th Street. As Civil Court properly recognized, the latter allegation, devoid of any specifics as to the nature of the landlord's current living arrangements on West 75th Street, was "entirely uninformative as why [landlord] would rather live in the [tenants'] rent stabilized apartment than his current two story residence in Manhattan."

This constitutes the decision and order of the court.

I concur.

10 Misc.3d 137(A), 814 N.Y.S.2d 561 (Table), 2005 WL 3555720 (N.Y.Sup.App.Term), 2005 N.Y. Slip Op. 52161(U) Unreported Disposition

END OF DOCUMENT