

(Cite as: **143 Misc.2d 565, 546 N.Y.S.2d 981**)

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Supreme Court, Appellate Term, New York,
Third Department.
224 EAST 18TH STREET ASSOCIATES,
Petitioner-Landlord-Appellant,
v.
Diane SIJACKI a/k/a Diane Smith,
Respondent-Tenant-Respondent,
and
"John Doe", Respondent-Undertenant.

April 24, 1989.

Michael Rikon, P.C. (Michael Rikon, New York City, and Trudy Karp of counsel), for appellant.
Lansner **Himmelstein & McConnell** (Samuel J. **Himmelstein**, New York City, of counsel), for respondent.

Petitioner appeals from a final judgment of the Civil Court, New York County, dated December 4, 1987, after trial on stipulated facts (Fuchs, J.) awarding possession to the tenant and dismissing the petition in a holdover summary proceeding.

***565 PER CURIAM:**

Final judgment dated December 4, 1987 (Fuchs, J.) affirmed, with \$25 costs, for the reasons stated in the opinion of Fuchs, J. at the Civil Court, 138 Misc.2d 494, 524 N.Y.S.2d 964 (see also, *Matter of Rose Associates v. DHCR*, 121 A.D.2d 185, 503 N.Y.S.2d 13).

OSTRAU, P.J., and PARNES and MILLER, JJ.,
concur.