

Unreported Disposition

(Cite as: 10 Misc.3d 142(A), 814 N.Y.S.2d 890, 2006 WL 176601)

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

10 Misc.3d 142(A), 814 N.Y.S.2d 890 (Table), 2006 WL 176601 (N.Y.Sup.App.Term), 2006 N.Y. Slip Op. 50081(U) Unreported Disposition

Supreme Court, Appellate Term, New York,
First Department.
William GRIMES, Petitioner-Landlord-Appellant
v.
James WARD, Respondent-Tenant-Respondent.
No. 570847/05.

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Jan. 24, 2006.

Landlord appeals from an order of the Civil Court, New York County ([Joseph E. Capella, J.](#)), dated September 29, 2004, which granted tenant's motion to dismiss the petition in a holdover summary proceeding.

Present: [SUAREZ, P.J.](#), [McCOOE](#), [SCHOENFELD, JJ.](#)

PER CURIAM.

***1 Order (Joseph E. Capella, J.), dated September 29, 2004, affirmed, with \$10 costs.

The underlying notice of nonrenewal, containing conclusory allegations concerning the landlord's "good faith intention" to reside in the subject apartment and to "take permanent residence" of the apartment upon tenant's surrender, was insufficient to serve as a predicate for the within owner occupancy proceeding. Landlord's notice failed to comply with the specificity requirements of Rent Stabilization Code (9 NYCRR) § 2524.2(b), since it merely (inartfully) "tracked the statutory language for nonrenewal upon the ground of owner occupancy ... without setting forth allegations fact specific to this particular proceeding" ([Numano v. Vicario, 165 Misc.2d 457 \[1995\]](#); see [Haruvi v. Rosen, 2005 N.Y. Slip Op 52161\[U\]](#)).

This constitutes the decision and order of the court.

I concur.