

## Landlord Didn't Waive Right to Collect MCI Rent Hike

July 14, 2015

LVT Number: #26266

*(Decision submitted by Stephen C. Shulman of the Manhattan law firm of Borah, Goldstein, Altschuler, Nahins & Goidel, P.C., attorneys for the landlord.)*

Landlord sued to evict rent-stabilized tenant for nonpayment of rent. Tenant argued that landlord improperly sought to collect an MCI rent hike from him. Landlord and tenant had signed an agreement by which landlord relocated tenant to another apartment in the building while landlord made renovations to tenant's apartment that accommodated installation of an elevator in the building. After tenant moved back into his own apartment, landlord obtained an order from the DHCR approving MCI rent hikes for the elevator installation. Tenant claimed that landlord agreed not to collect the MCI rent increase from tenant. But the agreement that tenant signed stated only that tenant would remain rent stabilized and that the work performed wouldn't result in market rent for the apartment. Tenant also couldn't collaterally attack the DHCR order, which allowed for the MCI rent increase.

ABM 75 Realty LLC v. Baris: Index No. L&T 77718/14 (Civ. Ct. NY; 6/16/15; Schreiber, J) [4-pg. doc.]