

Salazar v V. VKNC Realty LLC
2021 NY Slip Op 32735(U)
December 21, 2021
Supreme Court, New York County
Docket Number: Index No. 158638/2021
Judge: Carol R. Edmead
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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. CAROL EDMEAD PART 35

Justice

-----X

EDUARDO SALAZAR

Plaintiff,

- v -

V. VKNC REALTY LLC,

Defendant.

-----X

INDEX NO. 158638/2021

MOTION DATE 10/04/2021

MOTION SEQ. NO. 001

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 001) 6

were read on this motion to/for

JUDGMENT - MONEY

WHEREAS, Petitioner Eduardo E. Salazar commenced this action against Respondent VKNC Realty LLC by Notice of Petition and Petition filed on September 20, 2021, and seeking a judgment of enforcement of a finding by the State of New York, Department of Housing and Community Renewal of a rent overcharge, and

WHEREAS, in an administrative proceeding with the State of New York, Department of Housing and Community Renewal (DHCR), an Order Finding Rent Overcharge was entered in favor of the Petitioner Eduardo E. Salazar and against Respondent VKNC Realty LLC, on the 21st day of August, 2020, in the sum of \$ 174,668.16, and the Order was duly docketed with DHCR on August 21, 2020, and

WHEREAS, Respondent VKNC Realty LLC in this proceeding owes the Petitioner Eduardo E. Salazar the sum of \$174,668.16 plus interest arising out of the following DHCR Administrative Proceeding:

- a. That Petitioner Eduardo E. Salazar filed a Rent Overcharge Complaint, Docket Number FP-410076-R on April 27, 2013, with the State of New York, Division of Housing and Community Renewal, Office of Rent Administration, and
- b. That on August 21, 2020, DHCR issued an Order Finding Rent Overcharge wherein the Rent Administrator found that subsequent to April 27, 2013, a rent overcharge occurred and directed that Respondent VKNC Realty LLC make a full payment to Petitioner Eduardo E. Salazar of rents paid in excess of the legal regulated rent in the amount of \$174,688.16, and
- c. That by Petition for Administrative Review (“PAR”), Docket No. IU410020R0, Respondent VKNC Realty LLC appealed the DHCR Order issued on August 21, 2020, and by Order and Opinion Denying Petition for Administrative Review dated March 10, 2021, Respondent’s PAR application was denied, and

WHEREAS, in correspondence dated May 18, 2021 to Jill H. Sussman, Esq., as legal counsel for Respondent VKNC Realty LLC, Petitioner Eduardo E. Salazar demanded full payment of the DHCR award of \$174,618.16, to which Respondent failed to respond or pay, and

WHEREAS, pursuant to CPLR§5227, the proceeding herein was commenced by Petitioner Eduardo E. Salazar against Respondent VKNC Realty LLC, is requesting that this Court issue and enter a judgment against Respondent VKNC Realty LLC, herein, and in favor of Petitioner Eduardo E. Salazar herein, and

WHEREAS, in the Order and Opinion dated March 10, 2021, Respondent VKNC Realty LLC was given written notification of it’s right to appeal the March 10, 2021 denial of its PAR application by filing an Article 78 Proceeding in the Supreme Court of the State of New York

within 60 days of the issuance of the Deputy Commissioner's Order, and that no such appeal was filed by Respondent, and the statute of limitation has expired, and

WHEREAS, proof of service of the Petition having been served upon Respondent VKNC Realty LLC, was duly filed with the Court, and

WHEREAS, the Court having determined it has jurisdiction and held a hearing on said Petition on November 16, 2021, and

WHEREAS, no one having appeared on behalf of Respondent VKNC Realty LLC, and

WHEREAS, the Court having determined that Petitioner Eduardo E. Salazar should be granted the relief requested in said Petition, and

WHEREAS, the Court having determined that Respondent VKNC Realty LLC has failed to pay to Petitioner Eduardo E. Salazar the DHCR award of \$174,618.16, and

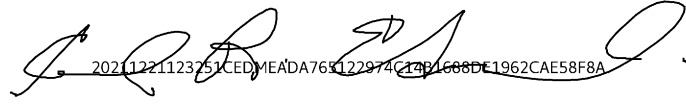
WHEREAS, the Court having determined that Respondent VKNC Realty LLC should pay the DHCR award of \$174,618.16 and that said monies should be paid to Petitioner Eduardo E. Salazar, it is hereby ordered as follows:

ORDERED, that Respondent VKNC Realty LLC is indebted to Petitioner Eduardo E. Salazar in the amount of \$174,618.16 pursuant to an award by the State of New York, Division of Housing and Community Renewal Order Finding Rent Overcharge, Docket Number FP-4100 76-R dated April 27, 2013; and it is further

ORDERED, that Petitioner Salazar is awarded interest from August 21, 2020 to _____ at the statutory amount of 9% per annum, totaling _____; and it is further

ORDERED, that the Clerk of the Court shall enter judgment in favor of Petitioner Eduardo E. Salazar in the amount of \$174,668.16, with interest from August 21, 2020, the date of the issuance of the Order Finding Rent Overcharges at the statutory amount of 9%, to be calculated by the Clerk, and that a judgment in the sum total of \$_____ be issued forthwith; and it is further.

ORDERED, that the attorney for Petitioner Eduardo E. Salazar, shall serve a copy of this Order upon all parties entitled to notice within ten (10) days. This constitutes the Order of this Court.


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12/21/2021
DATE

CAROL EDMED, J.S.C.

CHECK ONE:	<input checked="" type="checkbox"/>	CASE DISPOSED	<input type="checkbox"/>	NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		<input type="checkbox"/> OTHER
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	<input type="checkbox"/> FIDUCIARY APPOINTMENT
				<input type="checkbox"/> REFERENCE