

STATE OF NEW YORK
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION
GERTZ PLAZA
92-31 UNION HALL STREET
JAMAICA, NY 11433

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IN THE MATTER OF THE ADMINISTRATIVE
APPEAL OF

ADMINISTRATIVE REVIEW
DOCKET NO.: UE410036RT

BARBARA TRAMUTOLA,

RENT ADMINISTRATOR'S
DOCKET NO.: UA410004S

PETITIONER
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ORDER AND OPINION DENYING PETITION FOR ADMINISTRATIVE REVIEW

On May 23, 2006, the above-named petitioner-tenant filed a Petition for Administrative Review (PAR) of an order issued on April 24, 2006, by the Rent Administrator, concerning the housing accommodation known as 420 East 64th Street, Apartment E7H, New York, New York, wherein the Rent Administrator terminated the tenant's complaint alleging a decrease in services.

The Commissioner has reviewed all the evidence in the record and has carefully considered that portion of the record relevant to the issues raised by the petition.

In the PAR, the tenant states, that the owner removed the intercom system previously in place since 1972 and replaced it with a system that would require the tenant's personal phone wires to be connected to the intercom system and would require the tenant to call on her private phone line to reach someone in the lobby and such system represents a deprivation of services. The tenant iterates that this can not be done because she exclusively uses a cell-phone. The owner filed an answer to the PAR on June 28 2006 which opposed the tenant's claims.

After a careful consideration of the entire evidence of record, the Commissioner is of the opinion that the petition should be denied.

UE410036RT

In prior file Docket No. RC410058RT (QI410010B), the tenant filed a complaint alleging that the replacement of the intercom system that had been in place with a new system which would require the use of her private phone lines to communicate to and from the lobby represented a decrease in services. The owner answered that the co-op upgraded its intercom system by having service that rings directly to the apartment's telephone line. The tenant refused to allow the new system to be installed. The Administrator determined that the new phone system represented an adequate substituted service for the prior intercom service and closed the tenant's complaint without action.

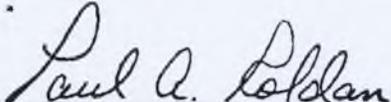
The Commissioner determined in Docket No. RC410058RT that, as the tenant did not demonstrate any adverse affect based on the new intercom system, the Rent Administrator properly determined that this system represents an adequate substitute for the intercom system that previously existed. That the tenant's phone lines are utilized to tie into the new intercom system will not increase the cost of phone service to the tenant. She had not otherwise shown prejudice based on the new system. (As intercom service is available should the tenant allow the new system to be installed, it was determined that no deprivation of service existed.)

The Commissioner notes that the parties, facts and issues in this case (Docket No. UE410036RT) are essentially the same as in Docket No. RC410058RT, and that the tenant has not presented ay convincing evidence to rebut the Rent Administrator's determination. Here, the tenant elected, sua sponte, to exclusively use a cell-phone in her apartment and this was the cause of the problem. The Rent Administrator did not commit error below.

THEREFORE, in accordance with the Rent Stabilization Law and Code, and Operational Bulletin 84-1, it is

ORDERED, that this petition be, and the same hereby is, denied, and that the Rent Administrator's order be, and the same hereby is, affirmed.

ISSUED: NOV 03 2006


PAUL A. ROLDAN
Deputy Commissioner

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