

Q. & A.

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**The Definition of Wrongful Eviction**

Q. What is the definition of wrongful eviction? What are the legal remedies that are available to a tenant who has been wrongfully evicted? . . . Paul J. Pipdon, Yonkers.

A. **Andrew D. Brodnick**, a White Plains real estate lawyer, said that "wrongful eviction," also known as "wrongful detainer," is defined by statute in New York as the forcible or unlawful removal of a tenant from a premises or the keeping of a tenant out of a premises by use of force, fear or other unlawful means.

Generally speaking, Mr. Brodnick said, for a property owner to lawfully remove a tenant from a premises, it is necessary for the owner to get a court order. And even when such an order has been obtained, he said, the order usually directs a sheriff or other law enforcement official to conduct the eviction.

Accordingly, Mr. Brodnick said, a tenant who feels he or she has been wrongfully evicted could file a civil suit against the property owner. If successful, he said, the tenant would be entitled by law to recover treble damages, or three times the damages sustained. Damages would typically include the cost of temporary lodging and the expenses of relocating.