

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3634-15T3

MINAC ASSOCIATES 2,

Plaintiff-Respondent,

v.

AR-RASHID ABDUL,

Defendant-Appellant.

Submitted November 29, 2017 – Decided December 29, 2017

Before Judges Currier and Geiger.

On appeal from Superior Court of New Jersey,
Law Division, Special Civil Part, Warren
County, Docket No. LT-000315-16.

Ar-Rashid Abdul, appellant pro se.

Wilf Law Firm, LLP, attorneys for respondent
(Lauren A. Perrella, on the brief).

PER CURIAM

In this landlord-tenant matter, defendant Ar-Rashid Abdul
appeals from the April 21, 2016 judgment for possession granted
in favor of plaintiff, Minac Associates 2. After a review of the

contentions in light of the record and applicable principles of law, we affirm.

We summarize the facts presented at the trial. After receiving complaints about the noise level of defendant's music and television emanating from his apartment unit, plaintiff served him with a letter in November 2015, requesting that he keep the noise level down in accordance with the lease rules and regulations, particularly during early and late hours. That night, the music was even louder and another tenant in the building called the police. Upon speaking to defendant, the responding police officer noted in his report that defendant told him he had "turned [the music] up on purpose because he received a warning notice about the loud music from management." Defendant conceded this at trial, testifying that he had turned the music up that night "out of spite."

The tenant residing below defendant testified that the noise did not stop or even lessen after the November 2015 warning from plaintiff and the police. She described the noise from defendant's apartment as "like a nightclub." Her glasses would shake and the pictures were bouncing off the wall. She stated that even when defendant left the apartment he would leave music and the television blaring at high levels in both of his rooms. Defendant stated that he did listen to music and watch television, but it

was never loud. He denied that he ever left music or the television on when he was not at home.

On February 9, 2016, plaintiff served a Notice to Cease on defendant, warning that if the behavior did not stop, he might be evicted. Management continued to receive multiple complaints of loud noises emanating from defendant's apartment at all hours, and on February 26, 2016, he was served with a Notice Terminating Lease and Demand for Possession, advising him of the termination of the lease as of March 3, 2016.

Defendant refused to move out of the apartment, and plaintiff filed a complaint on March 18, for a judgment of possession. Following the trial on April 21, 2016, the judge found by a preponderance of the evidence that defendant had breached the lease by playing music and his television loudly, as well as other offensive and disturbing conduct, during the late hours of the night and early hours of the morning. The judge found the testifying tenant to be credible and determined that the offending conduct continued after the service of the Notice to Cease. He, therefore, granted the judgment of possession.

We granted leave to file an emergent motion on short notice. After a review of the briefs and trial transcript, a stay of the judgment for possession was denied under order of May 2, 2016. In the appeal now before us, defendant has filed the identical brief

presented in support of the emergent motion to stay possession.¹ He argues that he has met all of the elements required under Crowe v. De Gioia, 90 N.J. 126 (1982) to obtain a stay of possession. This, however, is no longer the standard. We considered, and rejected, defendant's arguments in support of an emergent stay, concluding that "defendant [was not] likely to prevail on his contentions that the Notice to Quit was insufficiently specific, or that the proofs are inadequate to support a finding or reasonable inference that the noise violations persisted after the Notice to Cease was issued."

There are no new arguments presented for our review. The various notices issued to defendant were detailed and cited to specific violations of the lease provisions. Defendant was aware of the nature of the complaints and agreed at trial that there were multiple instances of tenant complaints about his noise levels and a visit from the police. We are satisfied that the judge's decision to grant the judgment of possession was supported by sufficient credible evidence in the record.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.


CLERK OF THE APPELLATE DIVISION

¹ A Warrant of Removal was issued on May 19, 2016.