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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-1320-21**

**VINCENZA CORTESE and
SCOTT CORTESE,**

Plaintiffs-Respondents,

v.

**VINCENT LABRUNA and
LORE GORDON,**

Defendants-Appellants.

Submitted February 1, 2023 - Decided April 11, 2023

Before Judges Currier and Mayer.

On appeal from the Superior Court of New Jersey, Law
Division, Monmouth County, Docket No. LT-5191-19.

Uscher, Quiat, Uscher & Russo, attorneys for
appellants (Michael E. Quiat, on the briefs).

Kelly Law, PC, attorneys for respondents (Charles P.
Kelly, of counsel; Bradley Latino, on the brief).

PER CURIAM

In this landlord-tenant action, defendants/tenants appeal from the December 2, 2021 order granting judgment for possession to plaintiffs/landlord. Defendants vacated the property on February 28, 2022. Therefore, since this court can grant no further relief, we dismiss the appeal as moot.

Plaintiffs own a single-family home that they leased to defendants in October 2016. The parties renewed the one-year lease several times, but at the end of the lease in October 2019, plaintiffs told defendants they did not intend to renew it. Defendants remained in the house after the expiration of the lease.

In November 2019, plaintiffs filed an eviction notice, attaching two Notices to Quit, alleging defendants made changes to the property without plaintiffs' consent during the lease term and therefore "willfully or by reason of gross negligence caused or allowed destruction, damage[,] or injury to the premises" under N.J.S.A. 2A:18-61.1(c).

After a trial, the court found defendants had installed two exterior electrical outlets, an electrical outlet inside the garage, a hallway light switch with an additional electrical outlet, a light fixture in a bedroom and the kitchen, and two light fixtures in the garage. Defendants did not ask plaintiffs permission to do any of the electrical work. They did not deny doing the electrical work. The judge noted that in order to install outlets and light fixtures, the electrician

cut holes in the walls and ceiling. In addition, the judge found it was improper for defendants to make alterations to the home without permission. The court entered judgment for possession but stayed the warrant of removal pending the outcome of any appeal. As stated, defendants vacated the property shortly after filing their Notice of Appeal.

On appeal, defendants assert the installation of electrical improvements does not constitute willful destruction and damage to property under N.J.S.A. 2A:18-61.1(c), and therefore, the court erred in granting plaintiffs a judgment of possession.

We decline to consider defendants' arguments because once they vacated the property, the appellate issues were moot. As we have stated, "[o]rdinarily, where a tenant no longer resides in the property, an appeal challenging the propriety of an eviction is moot." Sudersan v. Royal, 386 N.J. Super. 246, 251 (App. Div. 2005) (citing Ctr. Ave. Realty, Inc. v. Smith, 264 N.J. Super. 344, 347 (App. Div. 1993)).

Unlike in Sudersan, defendants have not raised any significant "residual legal consequences" that the judgment may pose to them. Ibid. Nor does this present a matter of sufficient public importance to warrant our consideration. See Rampersaud v. Hollingsworth, 456 N.J. Super. 502, 505 (App. Div. 2018).

"An issue is 'moot when [the] decision sought in a matter, when rendered, can have no practical effect on the existing controversy.'" Redd v. Bowman, 223 N.J. 87, 104 (2015) (quoting Deutsche Bank Nat'l Tr. Co. v. Mitchell, 422 N.J. Super. 214, 221-22 (App. Div. 2011)).

The jurisdiction of a landlord-tenant court is limited to a determination regarding the landlord's right to possession of its premises. See Daoud v. Mohammad, 402 N.J. Super. 57, 61 (App. Div. 2008). Any claim for recovery of money damages must be made in a separate complaint and action. Ibid. If plaintiffs choose to pursue that avenue, the judgment of possession "does not have a preclusive effect in subsequent litigation." Twp. of Bloomfield v. Rosanna's Figure Salon, Inc., 253 N.J. Super. 551, 563 (App. Div. 1992). Defendants are free to assert any defenses and counterclaims and seek affirmative relief in any future action.

Dismissed as moot.

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



CLERK OF THE APPELLATE DIVISION