



JAMES G. DIBBINI
& ASSOCIATES, P.C.
Attorneys At Law
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Ejectment vs. Eviction: What You Need to Know if Someone Won't Leave Your Property

If someone is living in your property and you want them to leave, the way we handle it depends on your relationship with them and whether there's a formal rental agreement.

Eviction Cases (Article 7):

If there's a rental agreement—even informal—we can usually file a quicker eviction case in local court. Sometimes, even without a lease, if the person is a squatter, a friend who overstayed, or a former employee living on the property, we can still use eviction laws with a 10-day written notice to leave. Evictions are designed to move quickly through the legal system and are often the best route when the relationship is purely financial or businesslike.

Ejectment Cases (Article 6):

If the person is a family member (like a child, spouse, or former partner) or someone you had a close relationship with, the law treats them differently. In these cases, we usually have to file a lawsuit in Supreme Court to ask a judge to remove them—this process can take longer. Courts recognize that family relationships are more complex and often require additional legal steps to balance everyone's rights fairly.

Important Facts:

- Family members usually can't be quickly evicted through Housing Court.
- Removing a family member may require giving a 6-month written notice first.
- Corporations (like LLCs) owning property may have different rules, but it's still case-by-case.

Understanding the Notice Requirements:

In many situations, simply asking someone to leave isn't enough. New York law may require that you provide formal written notice before starting any court action. The amount of notice and the method of service are crucial. Giving incorrect or insufficient notice can delay your case for months.

Why Legal Guidance Matters:

Trying to remove someone without going through the proper legal steps—even a non-paying guest—can expose you to legal claims like wrongful eviction or harassment. A court-ordered removal is the safest and most reliable way to

regain possession of your property. Every case is unique, and a tailored strategy is essential to success.

What You Should Do:

- Call our office before asking anyone to leave.
- Don't try to lock them out or move their belongings—you could face serious penalties.
- We will review your situation carefully and guide you to the fastest, most effective legal option.

At James G. Dibbini & Associates, P.C., we understand the complexities of real estate law and tenant removal matters. If you have questions about your rights or how to remove someone from your property, please contact us today. We're here to help you navigate this process correctly and protect your property rights.

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James G. Dibbini & Associates, P.C.
570 Yonkers Avenue
Yonkers, NY 10704
(914) 240-8270

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