

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 24,681 and TP 24,681A

In re: 40 G Street, S.W., Unit B

Ward Six (6)

DEBORAH A. REDMAN
Tenant/Appellant/Cross Appellee

v.

PHILIP A. GRAHAM
Housing Provider/Appellee/Cross Appellant

ORDER ON MOTION FOR SUMMARY JUDGMENT

January 6, 2003

BANKS, CHAIRPERSON. On December 10, 2002, the Tenant filed a Motion for Summary Judgment, which included a request for attorney's fees. On December 20, 2002, the Housing Provider filed an opposition to the motion, which stated that "there is no residual mechanism or basis for the Commission to even consider a motion for Summary Judgment." Opposition at 1.

THE COMMISSION'S ORDER

The Commission is an appeals agency. D.C. OFFICIAL CODE § 42-3502.02 (2001). Motions for summary judgment are not properly filed in an appeals agency. Moreover, the Tenant's appeal consists of multiple issues related to allegations of improper rent increases, housing code violations, and retaliation, which disqualify this appeal for summary action. The Commission previously stated:

In JBG Properties, Inc. v. Van Ness South Tenants Ass'n, TP 20,773 (RHC Mar. 17, 1986), we found justification for summary disposition of an appeal where only a single legal issue was involved and

'both parties have had ample opportunity to state their respective positions and their legal arguments.' Id. at 3.

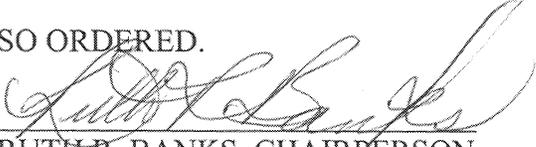
Cited in Rittenhouse, LLC v. Tenants of 45 Affected Rental Units, SF 20,049 (RHC June 19, 2002); Sydnor v. Johnson, TP 26,123 (June 20, 2002). Accordingly, the motion for summary judgment is denied, because this appeal is not eligible for summary disposition.

The Tenant also requested attorney's fees, which are available only to attorneys who represent parties and prevail on the merits of the case. D.C. OFFICIAL CODE § 42-3509.02 (2001) provides:

The Rent Administrator, Rental Housing Commission, or a court of competent jurisdiction may award reasonable attorney's fees to the prevailing party in any action under this chapter, except actions for evictions authorized under § 42-3505.01.

The Tenant has not entered an appearance as an attorney's and is representing herself, pro se. Therefore, she is not eligible for attorney's fees. See Kay v. Ehrler, 499 U.S. 432, 499 (1991); McReady v. Dep't of Consumer and Regulatory Affairs, 618 A.2d 609 (D.C. 1992). The word "attorney's" refers to an agency relationship, which is absent in pro se litigants. Id. Therefore, the request for attorney's fees is denied.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

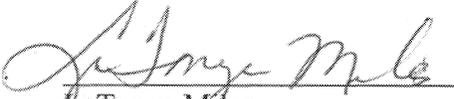
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion for Summary Judgment in TPs 24,681 and 24,681 A was mailed by priority mail, with confirmation of delivery postage prepaid this 6th day of January, 2003, to:

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