

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 26,183

In re: 1530 Rhode Island Avenue, N.E., Unit 506

ERIC V. STEARNS
Tenant

v.

EDWARDS APARTMENTS
Housing Provider

ORDER WITHDRAWING COMMISSION INITIATED REVIEW

February 24, 2003

LONG, COMMISSIONER. The Commission initiated review of this matter after Administrative Law Judge (ALJ) Smith dismissed the petition on July 24, 2002. The Commission initiated review pursuant to the Rental Housing Act of 1985, D.C. OFFICIAL CODE § 42-3502.16(h) (2001) and 14 DCMR § 3808 (1991).

When the ALJ convened the hearing on May 3, 2001, the tenant did not appear. However, the housing provider appeared and moved for dismissal. In the text of the decision and order, the ALJ stated that the Office of Adjudication (OAD) sent the hearing notices by first class and priority mail on March 27, 2001. However, the ALJ stated he was unable to confirm that the United States Postal Service (USPS) delivered the hearing notices to either party. Nevertheless, the ALJ dismissed the petition.

The Commission initiated review because the ALJ dismissed the petition when there was no record proof that the USPS delivered the OAD hearing notice to the tenant. See Joyce v. District of Columbia Rental Hous. Comm'n, 741 A.2d 24 (D.C. 1999). The Commission mailed

its notice of initiated review to the parties by priority mail with delivery confirmation. The Commission's record reflects that the USPS delivered the notice of initiated review to the record addresses for the housing provider, Edwards Apartments, and the tenant, Eric Stearns, on August 28, 2002. On December 4, 2002, the Commission mailed its hearing notices to the parties, by priority mail with delivery confirmation. The record indicates that the USPS delivered the hearing notices to each party's address on December 5, 2002.

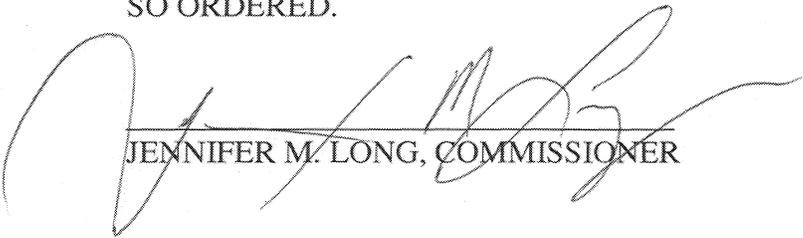
Shortly after the Commission mailed its hearing notices, the Commission received a letter from Anderson + Summers, LLC. Bruce Hurd, who signed the correspondence, advised the Commission that Brookland Investments I, LLC purchased Edwards Apartments and appointed Anderson + Summers, LLC as the management company. Mr. Hurd also indicated that Eric Stearns was not a tenant of the Edwards Apartment building, and he did not reside in unit 506.

On February 11, 2003, the Commission convened the hearing that the Commission noticed on December 4, 2002. The Commission mailed the hearing notices to the housing provider and the tenant at the addresses found in the record. The USPS delivery confirmation receipts reflect delivery to the record addresses. The notices were not returned or forwarded, and neither party provided a change of address. However, neither party appeared for the hearing.

The Commission initiated review in this matter to ensure that the parties received notice of the hearing, before the agency dismissed the petition. Since there is record evidence that the USPS delivered the notice of the Commission's hearing to parties' addresses of record, the Commission is satisfied that the agency provided notice in accordance with D.C. OFFICIAL CODE § 42-3502.16 (2001) and Joyce v. District of Columbia Rental Hous. Comm'n, 741 A.2d 24 (D.C. 1999). Since neither party appeared for the duly noticed hearing, the Commission

withdraws its initiated review. Accordingly, the order issued by the ALJ on July 24, 2002 is the final order of the agency.

SO ORDERED.



JENNIFER M. LONG, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order Withdrawing Commission Initiated Review in TP 26,183 was mailed by priority mail with delivery confirmation, postage prepaid, on this 24th day of February, 2003 to:

Eric V. Sterns
1530 Rhode Island Avenue, N.E.
Apartment 506
Washington, D.C. 20018

Edwards Apartments
c/o Clara Reaves
1511 Rhode Island Avenue, N.E.
Washington, D.C. 20018

Edwards Apartments
1511 Franklin Street, N.E.
Washington, D.C. 20018-2061

Bruce Hurd
Anderson + Summers, LLC
P.O. Box 15601
Washington, D.C. 20003



LaTonya Miles
Contact Representative