

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,084

BARBARA A. SCHAUER
Housing Provider/Appellant

v.

AHMED ASSALAAM
Tenant/Appellee

ORDER ON MOTION FOR EXPEDITED DECISION

October 11, 2002

BANKS, CHAIRPERSON. On October 9, 2002, the parties appeared before the Commission for a hearing on the appeal. At the hearing the Tenant, pursuant to 14 DCMR § 3814.1 (1991), orally moved the Commission for an expedited hearing, pursuant to 14 DCMR § 3814.5 (1991), because a related landlord and tenant case has been pending in the Superior Court for three years. Counsel for the Housing Provider agreed, and stated that she had no objection to the motion.

THE COMMISSION'S ORDER

On April 26, 2001, the tenant petition was filed and the Office of Adjudication (OAD) issued the decision and order on July 15, 2002. The notice of appeal was filed in the Commission on August 1, 2002. Normally, this case would not qualify for expedited treatment, because of the relatively short period of time it has been in the Commission. However, the representations and agreement of both the Tenant and the Housing Provider was that a related landlord and tenant case has lingered in the Superior Court of the District of Columbia for approximately three years. The Housing Provider has a protective order and the Tenant deposits the rent into the registry of the court. The

Superior Court granted a stay pursuant to the principles of primary jurisdiction in the Rent Administrator over rental issues. Yasuna v. District of Columbia Rental Hous. Comm'n, 504 A.2d 605 (1986). When matters in Superior Court involve the correct amount of rent, they are stayed until resolved by the Rent Administrator. Drayton v. Poretsky Mgmt. Inc., 462 A2d 1115 (D.C. 1983). Accordingly, the Commission grants the motion of the Tenant for expedited decision and order in this appeal. See Hagner Mgmt. Corp. v. Brookens, TP 3788 (RHC Mar. 11, 1998) (where the Commission granted expedited relief based on the length of time the case lingered in the Department of Consumer and Regulatory Affairs).

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion for Expedited Decision was mail by priority mail with confirmation of delivery postage prepaid the **11th day of October 2002**, to:

Ahmed Assalaam
116 P Street, N.W.
Unit 1
Washington, D.C. 20024

Carol Blumenthal, Esquire
1700 17th Street, N.W.
Suite 301
Washington, D.C. 20009



LaTonya Miles
Contact Representative