

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,190

In re: 1460 Irving Street, N.W.

Ward One (1)

MPM Management
Housing Provider/Appellant

v.

DAYS PERLA
Tenant/Appellee

ORDER ON CONSENT MOTION TO CONTINUE HEARING

March 12, 2003

BANKS, CHAIRPERSON. On March 5, 2003 the parties filed a consent motion to continue the hearing scheduled for April 8, 2003, because the Tenant's attorney will be in another hearing before the Superior Court that day. Subsequently, the parties agreed to May 19, 2003 as the hearing date, which is an available date on the Commission's calendar of hearings.

THE LAW on CONTINUANCES

Continuances are governed by the Commission's regulations, 14 DCMR § 3815.1-3 (1991), which state:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

Motions shall set forth good cause for the relief requested.

Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause for continuance unless set forth promptly after notice of the hearing has been given.

DISCUSSION

In this case the counsel for the Tenant complied with the Commission's rules by moving to request a continuance of the hearing on March 5, 2003, which was more than five business days before the scheduled hearing on April 8, 2003. The regulations required the motion be filed more than five (5) days before the hearing. Therefore, the counsel complied with the time requirement in 14 DCMR § 3815.1 (1991). In addition, the motion promptly set forth good cause for the continuance due to the conflict with the trial date of a previously scheduled trial.

The Commission's staff contacted the attorneys for the parties for a mutually agreed date for the rescheduled hearing.

CONCLUSION

Based on the timely filed motion and the conflict in the schedule of the Tenant's counsel, the Commission determined the motion presented good cause for continuing the hearing. Therefore, the motion for a continuance is GRANTED, and the rescheduled hearing date is May 19, 2003.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON CONSENT MOTION TO CONTINUE HEARING in TP 27,190 was mailed by priority mail, with confirmation of delivery, postage prepaid this 12th day of March, 2003, to:

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