

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,222

In re: 1909 19<sup>TH</sup> Street, N.W., Unit 105

MOHAMMED YAHYAOU  
Tenant/Appellant

v.

DAVID CORMIER  
Housing Provider/Appellee

**ORDER DISMISSING APPEAL**

**March 14, 2002**

**YOUNG, COMMISSIONER.** This case is on appeal from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Office of Adjudication (OAD), to the Rental Housing Commission (Commission). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. OFFICIAL CODE §§ 42-3501,01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991) govern the proceedings.

**I. PROCEDURAL HISTORY**

On February 8, 2002, the Commission received an original document from the tenant, Mohammed Yahyaoui. In the document, which was filed by certified mail, Mr. Yahyaoui stated: "This is to file an appeal for the decision taken 01-31-02 [sic] against me concerning the case (Tenant/Petitioner) [sic] TP #27,222. This petition was filed with the RACD on July 16, 2001 against David Cormier, the Housing Provider, for a raise in

the rent of the above-mentioned apartment.” The Commission treated the document as a notice of appeal filed pursuant to its rule, 14 DCMR § 3802.1.

The appeal did not include a certificate of service to the housing provider, David Cormier, in violation of the Commission’s rule, 14 DCMR § 3801.8, nor was the appeal filed with an original and four (4) copies as is required by the Commission’s rule, 14 DCMR § 3801.7. The Commission’s order stated:

[S]ince the appeal was timely filed, but did not conform to the Commission’s rules, the Commission sua sponte grants the tenant ten (10) days from the date of delivery of this order to comply with its rules as stated herein. Failure to comply with this order will result in the dismissal of the appeal.

## **II. THE COMMISSION ORDER**

The Commission was required to mail its order by certified mail or other form of service which assured delivery. D.C. OFFICIAL CODE § 42-3502.16(j). The Commission sent its order to the parties by priority mail with delivery confirmation. On February 15, 2002, the Commission’s staff conducted a follow-up telephone call to the United States Postal Services Delivery Confirmation contact number, 1-800-222-1811, which confirmed that the Commission’s order was delivered at the tenant’s address of record on February 14, 2002, at 10:41 a.m. – Delivery Confirmation number 0310 2990 0005 8206 2665. However, after receiving the Commission’s order, the tenant failed to comply with the order by filing the notice of appeal with a certificate of service and the required four

(4) additional copies, within 10 days after receipt of the order. The ten (10) business days expired on Friday, March 1, 2002.<sup>1</sup> Therefore, the Commission dismisses this appeal for failure to comply with its rules.

SO ORDERED.

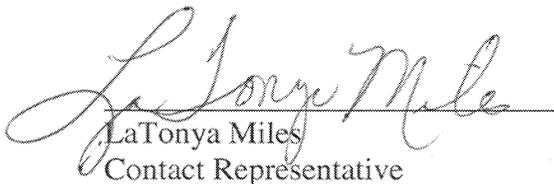
  
RONALD A. YOUNG, COMMISSIONER

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order Dismissing Appeal in TP 27,222 was mailed priority with delivery confirmation, postage prepaid, this **14<sup>th</sup> day of March, 2002** to:

Mohammed Yahyaoui  
1909 19th Street, N.W.  
Apt. 105  
Washington, D.C. 20009

David Cormier  
9514 Linden Lane  
Bethesda, Maryland 20814

  
LaTonya Miles  
Contact Representative

<sup>1</sup> The Commission excluded the President's Day Holiday as required by its rules. 14 DCMR §§ 3802.2 and 3816.1-4, cited in Gardiner v. Charles C. Davis Real Management Realty, TP 24,955 (Nov. 15, 2000).  
TP 27,777  
Ord.Dism.App.  
3/14/2002