

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,231

CT ASSOCIATES  
Housing Provider/Appellant

v.

LINDA CAMPBELL  
Tenant/Appellee

**ORDER ON MOTION TO FILE BRIEF OUT OF TIME**

**September 20, 2002**

**BANKS, CHAIRPERSON.** The Office of Adjudication (OAD) issued its decision and order on June 20, 2002. The Housing Provider filed a timely appeal on July 9, 2002. The Commission issued to the parties its combined Notice Of Scheduled Hearing On Appeal and Notice Of Certification Of Record on July 26, 2002. The hearing was scheduled for September 25, 2002. On September 9, 2002, the Housing Provider filed Appellant's Motion To File Brief Out Of Time. The Tenant, pursuant to 14 DCMR § 3814.3 (1991) had five (5) days to file an opposition, but did not file an opposition.

Pursuant to 14 DCMR § 3802.7 (1991), a party may file a brief "within five (5) days of receipt of notification that the record in the matter has been certified." In this appeal, the five days commenced on July 27, 2002, when counsel for the Housing Provider received the Commission's combined notice.<sup>1</sup> The five days expired on August 2, 2002.

The motion, pursuant to 14 DCMR § 3815 (1991), to enlarge the time to file the Housing Provider's Brief late, stated that the late filing was due to receiving the OAD

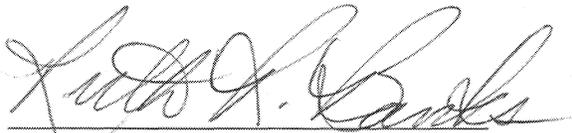
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<sup>1</sup> The Commission took official notice of its appeal record that contained the United States Postal Service Track and Confirm receipt, which showed delivery of the combined notice on July 27, 2002, the day after mailing.

hearing tape after receipt of the Commission's combined notice. Pursuant to 14 DCMR § 3815.2 (1991), the Housing Provider showed good cause for enlarging the time to file the brief. The Housing Provider also met the requirement in 14 DCMR § 3815.1 (1991), to file the request to enlarge the time to file the Brief "at least five (5) days before the hearing." The Commission scheduled the hearing for September 25, 2002, and the motion was filed 14 days earlier on September 9, 2002.

As stated above, the Tenant did not object to the motion. Accordingly, the motion is granted.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion to File Brief Out of Time in TP 27,231 was mailed by priority mail, with confirmation of delivery, postage prepaid this 20<sup>th</sup> day of September, 2002, to:

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