

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TPs 27,452-27,454

In re: 906 Gallatin Street, N.W.

Ward Four (4)

DAVID NUYEN
Housing Provider/Appellant

v.

SABINO DE GUZMAN¹
Tenant/Appellee

ORDER ON MOTION FOR CONTINUANCE

August 9, 2004

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, 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. THE PROCEDURES

On June 14, 2004, the Rent Administrator issued a decision and order, which the Housing Provider appealed to the Commission on June 28, 2004. On July 20, 2004, the Commission issued its order that scheduled the hearing on the appeal for August 19,

¹ Petitions TP 27,455 and TP 27,456 for tenants, Marta Buruca and Juan Fume, respectively, were dismissed in the June 14, 2004 decision and order.

Commission issued its order that scheduled the hearing on the appeal for August 19, 2004. On July 27, 2004, counsel for the Tenants filed a motion for continuance of the Commission's hearing date, because he is scheduled to be out of town.

II. THE LAW

The Commission's rule on continuance, 14 DCMR § 3815.1-3 (1991), states:

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.

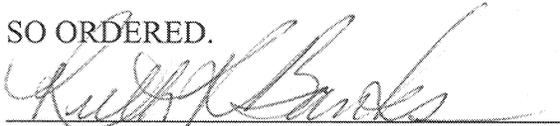
Motions shall set forth good cause for the relief requested.

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.

Cited in Paul v. Miranda, TP 27,870 (RHC Mar. 26, 2004).

Counsel stated the conflict in his schedule more than five days before the hearing. He acted promptly after receipt of the notice of the hearing. The Housing Provider did not oppose the motion.² The Commission determines that good cause exists for granting the motion.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

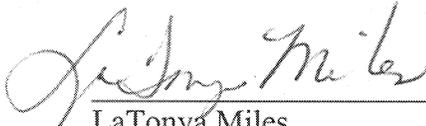
² Pursuant to 14 DCMR § 3816 (1991) the Commission was required to wait five (5) business days, after the motion was filed, plus three (3) more days for mailing the motion to the opposing party, for a total of eight (8) business days before ruling on the motion for continuance. The waiting period expired on Friday, August 6, 2004.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION FOR CONTINUANCE in TP 27,452-27,456 was mailed by priority mail, with confirmation of delivery, postage prepaid this 9th day of August, 2004, to:

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