

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,529

In re: 1723 5th Street, N.W.

Ward Two (2)

MYRNA JOLLY
Tenant/Appellant

v.

FRANK AKAMUNE
Housing Provider/Appellee

ORDER ON MOTION TO EXPEDITE

September 30, 2003

BANKS, CHAIRPERSON. Frank Akamune, Housing Provider, through counsel, filed a motion to expedite the Commission's issuance of its decision and order, because Myrna Jolly, the Tenant, "has refused to pay any rent" for the last five (5) months. Motion at ¶ 2. The Housing Provider asserted in the motion that he has already served the Tenant with a Notice to Correct or Vacate for failure to pay rent, and desires to file a Complaint for Possession of Real Estate in the Superior Court. Motion at ¶ 4.

On November 14, 2002, Hearing Examiner Carl Bradford issued the Rent Administrator's decision and order. He held the property was registered as exempt and dismissed the Tenant's claims stating that he did not have jurisdiction over them because the property was exempt under the Act, D.C. OFFICIAL CODE § 42-3502.05 (2001). The

Housing Provider relies on the exemption conclusion as a basis for requesting that the Commission expedite its decision and order.¹

On December 13, 2003, the Tenant filed a notice of appeal, which challenged the exemption and raised numerous issues that will need to be resolved regardless of the exempt status of the housing accommodation. The Commission held its hearing on April 3, 2003, and thereafter, this appeal was recorded in the backlog of appeals.

THE COMMISSION'S ORDER

The instant appeal will be considered, in turn, after the older appeal cases in the backlog are decided. The Housing Provider's desire to collect rent from the Tenant is a matter that is not unusual in appeal cases before the Commission. Most appeal cases before the Commission have a rent collection issue, and therefore, the failure of a tenant to pay rent is not a reason to take an appeal out of turn over other appeals that have the same issue. Moreover, the motion did not indicate that counsel had exhausted all remedies available from the Superior Court. Accordingly, the motion to expedite is denied.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

¹ Motions to expedite are pursuant to 14 DCMR § 3814.6 (1991), which states: "Motions for expedited hearing or other forms of expedited relief shall be acted upon promptly."

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION TO EXPEDITE in TP 27,529 was mailed by priority mail, with confirmation of delivery, postage prepaid this **30 day of September , 2003**, to:

Helen L. Primo, Esquire
416 Prince Street
Alexandria, VA 22314

Myrna Jolly
1723 5th Street, N.W.
Apartment 1
Washington, D.C. 20001



LaTonya Miles
Contact Representative