

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,617

MARKETA BARTELLE  
Tenant/Appellant  
v.

WASHINGTON APARTMENTS  
Housing Provider/Appellee

**ORDER TO COMPLY WITH COMMISSION RULES**

**February 25, 2003**

On February 12, 2003, the Housing Provider filed a motion to dismiss this appeal alleging that the Tenant did not serve a copy of the notice of appeal on the Housing Provider's counsel, citing Valibigi v. Tenants of 1850 – 54 Kendall Street, N.E., CI 20,694 (RHC June 23, 1995) (where the Commission gave the party 10 days to serve the notice of appeal.)

Normally, parties are ordered to comply with the rules of the Commission, when a document is not properly served, in violation of 14 DCMR § § 3801.8, 3803.7 (1991). Assalaam v. Lipinski, TP 24,726 & TP 24,800 (RHC Aug. 31, 2000) at 22; Kamerow v. Baccous, TP 24,470 (RHC Jan. 28, 2000) (where counsel was required to comply with service requirements in future filings).

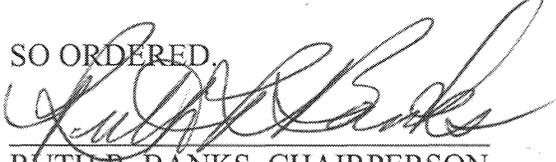
However, this appeal has a different set of facts. The notice of appeal has a certificate of service, but the Housing Provider's counsel alleges that he did not receive the notice of appeal nor a previously filed motion for reconsideration. Under these

circumstances, it appeared to counsel for the Housing Provider that the Tenant purposefully failed to serve him with the notice of appeal.

#### THE COMMISSION'S ORDER

The Tenant has ten days from the date of this order to serve counsel for the Housing Provider with the notice of appeal, and file proof of service with the Commission. The Commission uses certified mail and priority mail for service, because that provides a basis of proof of delivery as required by the Rental Housing Act of 1985, D.C. OFFICIAL CODE § 42-3502.16(j); 3509.04 (2001). Parties may use those forms of service, as well as, a special process server, or other means that assures delivery.

SO ORDERED.

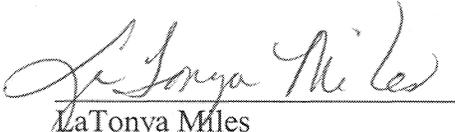
  
RUTH R. BANKS, CHAIRPERSON

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order to Comply with Commission Rules in TP 27,617 was mailed by (priority mail, with confirmation of delivery, postage prepaid this **26th day of February, 2003** to:

Richard W. Luchs, Esquire  
1620 L Street, N.W.  
Suite 900  
Washington, D.C. 20036

Ms. Marketa Bartelle  
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LaTonya Miles  
Contact Representative