

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,783

In re: 2500 Wisconsin Avenue, N.W., Unit 112

Ward Three (3)

TRUIT R. PROSPER
Tenant/Appellant

v.

PINNACLE MANAGEMENT
Housing Provider/Appellee

ORDER ON MOTION FOR AMENDMENT OF PLEADINGS

September 3, 2003

BANKS, CHAIRPERSON. On August 22, 2003, the Tenant filed a “MOTION TO [Sic] AMENDMENT OF PLEADINGS,” which did not state a request for a pleading to be amended. The motion stated, in relevant part, the appellant “moves that the Commission has scheduled a hearing of an appeal to endeavor to effect a final disposition of all issues in debate, to stay the order or vacate.” Motion at 1. The next significant statement was, “[t]he appellant, seeks relief and prays the Commission remand the case and allow the case to be presented to the original hearing examiner” Motion at 1. On August 28, 2003, the Housing Provider opposed the motion. It cited Phifer v. Tenants of 165 25th St., N.E., HP 20,320 (RHC Mar. 31, 1988); Shipley Garden v. Tenants of Shipley Park Apartments, CI 20,130 (RHC Dec. 18, 1987).

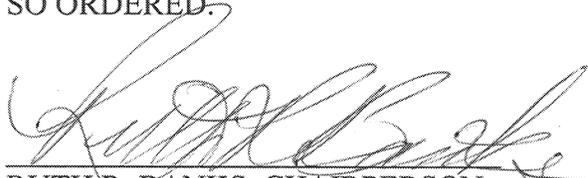
THE COMMISSION’S ORDER

The motion moved the Commission to stay the order or vacate without giving reasons to do so. Accordingly, this request is denied, because as stated in the first part of

the sentence containing the request for a stay or vacate, the Commission has scheduled a hearing “to endeavor to effect a final disposition of all issues in debate.” Motion at 1.

The second request is for a remand “to endeavor to effect a final disposition of all issues in debate.” Motion at 1. This request is also denied, because the Commission has scheduled a hearing, as already noted by the Tenant, “to endeavor to effect a final disposition of all issues in debate.” Motion at 1. The decision of whether to remand this case will be made after the hearing. The Tenant did not carry his burden of demonstrating that the merits of the claim justified summary action and reversal. Shipley Gardens v. Tenants of Shipley Park Apartments, CI 20,130 (RHC Dec. 18, 1987) cited in Phifer v. Tenants of 165 35th St., N.W., HP 20,320 (RHC Mar. 31, 1987). See also Rittenhouse, LLC v. Tenants of 45 Affected Rental Units, SF 20,049 (RHC June 19, 2003); Sydnor v. Johnson, TP 26,123 (June 20, 2002); Redmond v. Graham, TP 24,681 (RHC Jan. 6, 2003). Therefore, the entire motion is denied.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the Order in TP 27,783 was served by priority mail, with delivery confirmation, postage prepaid, this 3rd day of September, 2003, to:

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LaTonya Miles
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