

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,915

In re: 116 P Street, S.W.

Ward Six (6)

AHMED ASSALAAM
Tenant/Appellant

v.

BARBARA A. SCHAUER
Housing Provider/Appellee

ORDER ON MOTION TO WITHDRAW APPEAL

July 12, 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 August 1, 2003, Ahmed Assalaam filed Tenant Petition (TP) 27,915 in the Housing Regulation Administration. The hearing on the petition was held in the Office of the Rent Administrator and the decision and order issued on December 8, 2003. The Tenant filed a notice of appeal with the Rental Housing Commission on December 29,

2003, and the Commission held its hearing on March 25, 2004. The appeal remains pending in the Commission's backlog of appeals to be decided. On July 8, 2004, the Tenant filed a Notice of Withdrawal [of the appeal] with a settlement agreement attached to the motion.

II. THE LAW

Pursuant to the Commission's rule, 14 DCMR § 3824 (1991), an appellant may file a motion to withdraw an appeal pending before the Commission, § 3824.1, and the Commission shall review all motions to withdraw to ensure that the interests of all parties are protected, § 3824.2. See Williams v. Donald Lipscomb Realty Corp., TP 27,867 (RHC July 2, 2004); Jefferson v. Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003); Harrison v. Fred A. Smith, TP 25,059 (RHC July 13, 2001).

III. THE ANALYSIS

In the instant appeal, on May 11, 2004, the parties entered into a settlement agreement that included this appeal, another appeal pending in the Commission, TP 27,084, and a case, LT 38955-03, in the Superior Court of the District of Columbia, Landlord and Tenant Branch. The settlement agreement provides that repairs to the Tenant's rental unit would be completed by the Housing Provider, and that the Tenant would give access to his unit and give a receipt for those repairs. The settlement also provided for disbursement of funds in the Registry of the court between the parties. Finally, after completion of the repairs, the settlement agreement provided for the filing of a notice of withdrawal of the instant appeal pending in the Commission.

A review of the settlement agreement shows that the interests of each party were protected by providing for repairs in the Tenant's rental unit and the disbursement of the

funds in the Registry of the court to both parties. Therefore, the Commission GRANTS the motion to withdraw the appeal.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court's Rule, D.C. App. R. 15(a), provides in part: "Review of orders and decisions of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed ... and by tendering the prescribed docketing fee to the clerk." The Court may be contacted at the following address and telephone number:

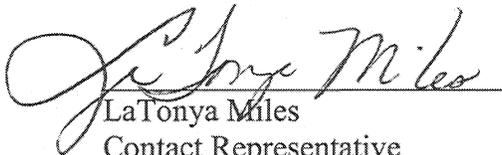
D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION TO WITHDRAW APPEAL in TP 27,915 was mailed by priority mail, with confirmation of delivery, postage prepaid this 12th day of July, 2004, to:

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