DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,010

In re: 5759 13th Street, N.W.

Ward Four (4)

DOROTHY REID
Tenant/Appellant

v.

JERRY WEINSTEIN
Housing Provider/Appellee

ORDER ON MOTION FOR CONTINUANCE

April 4, 2005

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 February 3, 2005, Dorothy Reid, Tenant, filed a notice of appeal from the decision and order issued by the Rent Administrator on December 10, 2004, and delivered to the Tenant on January 19, 2005. The Commission scheduled a hearing for April 14, 2005. On March 21, 2005, Jerry Weinstein, Housing Provider, filed a motion

for a continuance based on a Superior Court subpoena requiring his attendance on the same day as the Commission's hearing. There was no opposition by the Tenant to the continuance.

II. THE ISSUES

Whether to grant a continuance of the Commission's hearing.

III. THE LAW

Continuances are governed by the Commission's regulations, 14 DCMR § 3815.1-3 (1991), which state:

> 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.

IV. DISCUSSION OF ISSUES

In this appeal the Housing Provider complied with the Commission's rules by filing on March 21, 2005, the motion requesting the continuance of the hearing scheduled for April 14, 2005. The motion was filed more than five (5) business days before the scheduled hearing, as required by the Commission's rule on continuances. In addition, the motion set forth good cause for the continuance due to the Housing Provider's subpoena as a witness in the Superior Court on the same day as the Commission's hearing.

V. THE CONCLUSION

Accordingly, the motion for a continuance is granted. The rescheduled hearing date is Thursday, May 12, 2005, at 2 p.m. The hearing will be held in the hearing room of the Rental Housing Commission located at 941 North Capital Street, N.E., Washington, D.C., Suite 9200.

SO ORDERED.

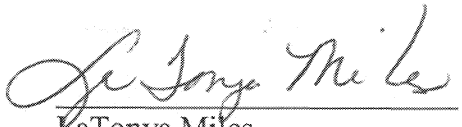
RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION FOR CONTINUANCE in TP 28,010 was mailed by priority mail, with confirmation of delivery, postage prepaid this **4th day of April, 2005**, to:

Jerry Weinstein
c/o Gaben Management
P.O. Box 8204
Silver Spring, MD 20907

Dorothy Reid
P.O. Box 41389
Washington, D.C. 20018



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