

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,518

In re: 1400 Oglethorpe Street, N.W., Unit 1

Ward Four (4)

GRADY BELL
Tenant/Appellant

v.

VISION REALTY MANAGEMENT, LLC.
Housing Provider/Appellee

ORDER ON MOTION REQUESTING WITHDRAWAL AS PARTY

June 12, 2007

YOUNG, CHAIRMAN. This case is on appeal from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), Office of Adjudication (OAD), to the Rental Housing Commission (Commission). The applicable provisions of the Rental Housing Act of 1985 (Act), 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, 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

I. THE PROCEDURES

On January 24, 2006, Grady Bell, the tenant of the housing accommodation located at 1400 Oglethorpe Street, N.W., filed Tenant Petition (TP) 28,518. In his petition the tenant alleged that the housing provider, Vision Realty Management, LLC, took a rent increase larger than the amount of increase which was allowed by any

applicable provision of the Act; and that the building in which his rental unit is located was not properly registered with the Rental Accommodations and Conversion Division..

A hearing on the petition was held on March 7, 2006. On September 25, 2006, the Rent Administrator issued his decision and order in this case. See Bell v. Vision Realty Mgmt, LLC., TP 28,518 (RACD Sept. 25, 2006). The decision stated that TP 28,518 was dismissed with prejudice due to a settlement reached by the parties prior to the March 7, 2006 hearing. On October 11, 2006, the tenant, Grady Bell filed a notice of appeal in the Commission. After receiving the certified record from the Rent Administrator, the Commission scheduled a hearing for Thursday, June 21, 2007.

By letter received June 8, 2007, the Housing Provider/Appellee, Vision Realty Management, LLC, contacted the Commission. The letter¹ stated:

As it pertains [sic] above referenced matter scheduled for a hearing on Thursday, June 21, 2007, please be advised that Vision Realty Management no longer manages this property. Therefore, we are not pursuing this matter and request that our name and involvement be removed from this matter.

The letter was signed by Mr. Mario Lloyd, managing member of Vision Realty Management, LLC.

II. THE LAW

The motion submitted by the housing provider was a single page, without copies, and did not contain a certificate of service to the tenant. The applicable regulations provide:

Unless otherwise required, all pleadings and other documents shall be filed in an original and four (4) identical copies.

14 DCMR § 3801.7 (2004).

¹ The Commission will treat the housing provider's letter as a motion.

All pleadings and other documents shall be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service as required by § 3803.7.

14 DCMR § 3801.8 (2004). The regulations further provide:

In the event of the death, dissolution, reorganization, or change of ownership or interest of a party, the Commission may, upon its own motion, upon request of the Rent Administrator, or upon the motion of a party, substitute or add a person, personal representative, partnership, or corporation.

14 DCMR § 3809.2 (2004).

No substitution or addition of parties may occur unless all necessary parties are given an opportunity to file written arguments in support of or in opposition to a motion for substitution of parties.

14 DCMR § 3809.4 (2004).

III. THE COMMISSION'S RULING

The Commission's regulations require that filings of motions and other documents in the Commission contain an original and four (4) copies. 14 DCMR § 3801.7 (2004). The regulations also provide that all pleadings and other documents filed in the Commission be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service. 14 DCMR § 3801.8 (2004). The housing provider in the instant case filed one (1) copy of its motion for withdrawal as a party and failed to serve the tenant or to provide a certificate of service indicating that the tenant was, in fact, served.

Accordingly, the housing provider's motion is denied. The housing provider, Vision Realty Management, LLC., remains the appellee of record in the instant case, and is required to appear at the June 21, 2007 hearing.

SO ORDERED


RONALD A. YOUNG, CHAIRMAN

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 may be contacted at the following address and telephone number:

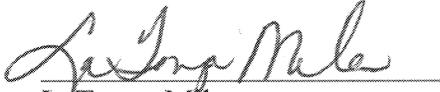
D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION REQUESTING WITHDRAWAL AS PARTY in TP 28,518 was mailed by priority mail, with confirmation of delivery, postage prepaid this 12th day of **June, 2007**, to:

Grady Bell
1400 Oglethorpe Street, N.W.
Unit 1
Washington, DC 20011-8118

Mario Lloyd, Managing Member
Vision Realty Management, LLC
8775 Cloudleap Court
Suite 214
Columbia, MD 21045



LaTonya Miles
Contact Representative
(202) 442-8949