

ALLEN v. D.C. RENTAL HOUSING COMMISSION, 538 A.2<sup>nd</sup> 752 (1988)

Court: D.C. Court of Appeals, opinion by Terry, AJ.

Judicial History: Tenant filed a tenant petition with the Rental Accommodations Office challenging rent increase. A hearing examiner rejected all of her arguments and dismissed petition with prejudice and tenant appealed. The Rental Housing Commission (RHC) initially reversed on the issue of notice and landlord appealed. The RHC subsequently sought remand and reversed its ruling and tenant appealed.

Facts: Tenant filed a tenant petition, challenging a rent increase sought by her landlord. She asserted that she had not been given the requisite thirty-day notice, that the rent charged exceeded the lawful rent ceiling, and that the landlord had incorrectly calculated the base rent in his application for a hardship petition. After a hearing examiner dismissed her petition with prejudice, tenant then appealed to the RHC. The RHC affirmed most of the examiner's findings, but reversed on the issue of notice, concluding that the record did not support the finding that tenant had received adequate notice of the rent increase. Landlord appealed, and RHC reversed its prior ruling, finding that the proper notice was supported by the substantial evidence. Tenant then brought this appeal.

Holding: The Court of Appeals held that finding that tenant received notice of proposed rent increase was not supported by substantial evidence, so that challenged rent increase was invalid for lack of notice.

Reasoning: Finding that tenant received notice of proposed rent increase was not supported by substantial evidence so that challenged rent increase was invalid; landlord testified only that she sent former employee a notice to be delivered to tenant and that former employee customarily served notice on tenants on the day he received them.

Decision: Reversed and remanded.