

LENKIN CO. MANAGEMENT, INC. v. D.C. RENTAL HOUSING COMMISSION, 642 A.2nd 1282 (1994)

Court: D.C. Court of Appeals, opinion by Ferren, A.C.J.

Judicial History: Landlord and tenant both appealed order of the Rental Housing Commission (RHC) granting, in part, landlord's petition for rent ceiling increase.

Facts: Landlord filed a capital improvements petition, seeking a rent ceiling increase based on several proposed capital improvements. A tenant in landlord's building intervened in opposition. The capital improvements petition was approved and tenant appealed to the RHC, contending that landlord had violated D.C. Code 45-2520(e) (1990) by proceeding with the capital improvements, without approval, within 60 days of filing the petition for the rent ceiling adjustment, and that landlord was not entitled to the requested rent ceiling increase. RHC ruled that the landlord was not entitled to rent increase for improvements made during the sixty day waiting period and ordered a rent ceiling roll-back. Both parties then brought this appeal.

Holding: The Court of Appeals held that:

- (1) Landlord was not entitled to rent ceiling increase for improvements made within 60-days of filing petition.
- (2) Only tenant named as party on appeal was entitled to relief.

Reasoning:

- (1) Landlord, after filing petition for rent ceiling increase for proposed improvements, must wait 60 days for administrator's decision before commencing improvements to rental property.
- (2) Since tenants had not established a tenant's organization or otherwise joined together for purposes of contesting rent ceiling adjustment, only tenant who had individually appealed the hearing examiner's decision to the Rental Housing Commission and the Court of Appeals was entitled to relief.

Decision: Affirmed.