

RADWAN v. D.C. RENTAL HOUSING COMMISSION, 683 A.2nd 478 (1996)

Court: D.C. Court of Appeals, opinion by Wagner, C.J.

Judicial History: Tenant alleging rent overcharges by landlord brought petition before rental housing commission and obtained default judgment. Commission denied landlord's motion to set aside judgment, and landlord appealed.

Facts: Tenant filed a petition alleging that her landlord had charged her rent exceeding the rental ceiling. At the scheduled hearing, landlord did not appear in person or through counsel and the hearing examiner found in favor of tenant. Landlord noted an appeal and requested that the decision be vacated on the grounds that the hearing examiner had told him that the hearing would not be held on the date he appeared for the hearing. Rather than vacate the hearing, the commission gave landlord an opportunity to present his case, but landlord presented no defense to the charge of excessive rent. Therefore, the commission affirmed the decision and landlord appealed.

Holding: The Court of Appeals held that:

- 1.) commission could look to court rule in deciding motion to set aside judgment, and
- 2.) landlord was not entitled to have judgment set aside where landlord failed to proffer any substantive defense to overcharge claim.

Reasoning: Landlord was not entitled to have default judgment entered against landlord by rental housing commission set aside, even if factors of notice, good faith, and prompt action favored landlord, where landlord failed to offer any defense to tenant's allegations of rent overcharges; even though commission's rules required no responsive pleading to tenant's complaint, landlord, as proponent of motion to vacate default judgment, had burden of establishing entitlement to relief, and judgment was supported by both tenant's testimony and agency records, which also refuted landlord's claim that he did not appear at hearing due to mistake of hearing examiner.

Decision: Affirmed.