

STANCIL v. D.C. RENTAL HOUSING COMMISSION, 806 A.2nd 622 (2002)

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

Judicial History: Tenant filed a complaint with the Housing Regulation Administration, alleging housing code violations by landlord. The Rent Administrator decided the case in favor of tenant. Landlord appealed. The Rental Housing Commission (RHC) dismissed the appeal, as sanction for the failure of landlord and his counsel to appear at scheduled RHC hearing. Landlord petitioned for judicial review.

Facts: After a hearing on the merits, the Housing Rent Administration decided a case in favor of tenant which alleged various housing code violations by landlord. Landlord appealed to the RHC, raising a number of evidentiary issues and contesting the damages award. The RHC affirmed the decision of the Rent Administrator, but remanded the case to correct an error in the damages computation. The Rent Administrator issued a new order that modified the rent ceiling calculation used in its original order, but preserved the total award of damages against landlord. Landlord again appealed to the RHC. After a hearing was scheduled, the RHC sent a notice of the hearing date to the parties by certified mail. The notice stated, in part, "The failure of either party to appear at the scheduled time will not preclude the Commission from hearing oral argument of the appearing party and/or disposing of the appeal". The notice also stated, "Failure of an appellant to appear may result in the dismissal of that party's appeal". Despite these warnings, neither landlord nor his counsel appeared at the hearing. As a result, the RHC issued an order dismissing the appeal. Landlord then filed a motion for reconsideration, which the RHC denied. Landlord then filed a petition for review with the Court of Appeals.

Holding: The Court of Appeals held that:

- 1.) RHC had authority to dismiss the appeal, as sanction for landlord's failure to appear at scheduled RHC appellate hearing; and
- 2.) dismissal was warranted as sanction for landlord's failure to appear.

Reasoning:

1.) RHC had authority to dismiss landlord's appeal of Rent Administrator's decision in favor of tenant as to tenant's complaint alleging housing code violations, as sanction for the failure of landlord and his counsel to appear at RHC's scheduled hearing for the appeal; RHC's catch-all regulation incorporated the civil procedure rules for the courts as to procedural points on which the regulations were silent, the civil procedure rules allowed dismissal of an appeal as sanction for failure to appear, and RHC possessed inherent power to dismiss appeals as part of its general power to hear and dispose of motions as an appellate tribunal.

2.) Dismissal of landlord's appeal to the RHC was warranted, as sanction for the failure of landlord and his counsel to appear at RHC's scheduled hearing on landlord's appeal of Rent Administrator's decision in favor of tenant as to tenant's complaint alleging housing code violations, even if the failure to appear was not willful and instead was based on counsel's negligence in failing to note the hearing date on his calendar.

Decision: Affirmed.