

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 25,093

In re: 6101 16th Street, N.W., Unit 915

Ward Four (4)

THE RITTENHOUSE, LLC
Housing Provider/Appellant

v.

CLARENCE CAMPBELL
Tenant/Appellee

ORDER DENYING MOTION FOR SUMMARY REVERSAL

December 11, 2002

LONG, COMMISSIONER: On May 10, 2002, the housing provider filed a combined notice of appeal and motion for summary reversal of the decision and order issued by the Rent Administrator on March 12, 2002. The housing provider maintains that the matter is suitable for summary reversal because it involves only one issue, which is purely a question of law. In support of its position, the housing provider cited several cases, including Shipley Gardens v. Tenants of Shipley Park Apartments, CI 20,130 (Dec. 18, 1987). In Shipley the Commission stated the following:

As a threshold issue, we must determine whether the housing provider's requested relief - - summary reversal - - is appropriate in the case before us. "Summary reversal is an extraordinary remedy for which the proponent has a 'heavy burden of demonstrating both that his remedy is proper and that the merits of his claim so clearly warrant relief as to justify expeditious action.'" There are two sub-questions at issue: (1) whether the case is one in which summary disposition is appropriate, and (2) whether the merits of the movants' claim warrant reversal.

Shipley at 2 (citations omitted).

The instant case is not suitable for summary reversal, because the merits of the housing provider's claim do not warrant reversal. The housing provider argues that the hearing examiner's decision is contrary to D.C. OFFICIAL CODE § 42-3502.08(h) (2001) as determined by the Commission's decision in Lincoln Property Mgmt. v. Chibambo, TP 24,861 (RHC Nov. 29, 2000). In addition, the housing provider argues that it has raised only one issue, which is a pure question of law. However, a close review of the record revealed that the case involves an in-depth review of the facts and an extensive analysis of Lincoln. Moreover, the Commission must raise and correct two issues of plain error that are evidenced by the four corners of the hearing examiner's decision.

Accordingly, the Commission denies the housing provider's motion for summary reversal.

SO ORDERED.



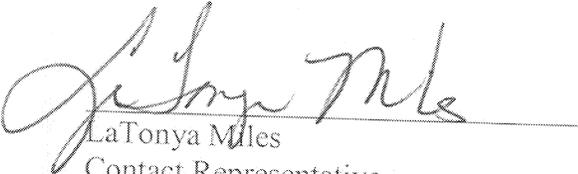
JENNIFER M. LONG, COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order in TP 25,093 was sent by priority mail with delivery confirmation, postage prepaid, this 11th day of December 2002 to:

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