

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,201

In re: 706 Brandywine Street, N.W.

MARY A. VICENTE
Housing Provider/Appellant

v.

NICQUITA ANDERSON
Tenant/Appellee

ORDER ON MOTION FOR CONSOLIDATION OF APPEALS

November 4, 2002

BANKS, CHAIRPERSON. The parties request by consent motion the consolidation of two appeals, TP 27,188 and TP 27,201.¹ The Commission's relevant regulation, 14 DCMR § 3811.1 (1991), provides:

If two (2) or more person [sic] are entitled to an appeal from an order of the Rent Administrator and their interests are such as to make joinder practicable, they may file a joint notice of appeal, or may move to consolidate their separate appeals by a motion to consolidate.

The Commission reviewed the two notices of appeal and determined that the issues are not similar. For examples, the three issues in the notice of appeal in TP 27, 188 relate to: 1) exemption from rent control, 2) allegation of improper rent increase, and 3) correctness of the rent and rent ceiling. However, the seven issues in TP 27,201 relate to: 1) exemption from rent control, 2) refund of rent, 3) rent rollback period, 4) newly created rental unit, 5) official notice of certificate of occupancy, 6) motion to dismiss, and 7) proper calculation of the rent ceiling. There is only one common issue: whether the housing accommodation is exempt from rent control. The burden of proof is on the

¹ The other appeal is from Vicente v. Hinton, TP 27,188 (OAD Sept. 24, 2002).

housing provider in each appeal. See Goodman v. District of Columbia Rental Hous. Comm'n, 573 A.2d 1293, 1297 (D.C. 1990); Vista Edgewood Terrace v. Rasco, TP 24,858 (RHC Oct. 13, 2000); N Street Follies v. Lewis, TP 21,759 (RHC Dec. 4, 1991) at 4. The Commission's decision on exemption will depend on the evidence in each of the records in each of the tenant petitions. Accordingly, consolidation of these appeals is not practicable.

In the absence of a joint notice of appeal, and noting the lack of similarity in the appeal issues, except the exemption issue, the Commission DENIES the joint consent motion to consolidate these appeals.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion to Consolidate, TP 27,201, mailed by priority mail, with confirmation of delivery, postage prepaid this 4th day of **November, 2002**, to:

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