

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,533

TP 27,563

In re: 2632 Wade Road, S.E. Unit 14  
2636 Wade Road, S.E., Units 2, 12, & 23

RICHARD VAN CAMP  
Housing Provider/Appellant

v.

SHERI A. GHANI  
SHIRLEY F. ALLEN  
JOHN JOHNSON  
DELLA BOOKER TANNER  
Tenants/Appellees

**ORDER DISMISSING APPEAL**

January 27, 2003

**BANKS, CHAIRPERSON.** On October 11, 2002, the Office of Adjudication (OAD) issued the decision and order, and on October 30, 2002, OAD issued an order denying the Housing Provider's motion for reconsideration. On November 20 & 22, 2002, the Housing Provider filed an appeal in the Commission.

**THE COMMISSION'S ORDER**

A. The Law

The Rental Housing Act of 1985 provides that appeals may be made to the Commission from the decisions of the Rent Administrator within ten (10) days of the Rent Administrator's decision. D.C. OFFICIAL CODE § 42-3502.16(h) (2001).

The Commission is required by law to dismiss appeals that are untimely filed, because time limits are mandatory and jurisdictional. United States v. Robinson, 361 U.S. 209 (1960); Hija Lee Yu v. District of Columbia Rental Hous. Comm'n, 505 A.2d

1310 (D.C. 1986); Totz v. District of Columbia Rental Hous. Comm'n, 474 A.2d 827 (D.C. 1974). The Commission determines the time period between the issuance of the OAD decision and the filing of the notice of appeal by counting only business days, as required by its rules. See 14 DCMR § 3802.2 (1991); Town Center v. District of Columbia Rental Hous. Comm'n, 496 A.2d 264 (D.C. 1985).

For appeals, the Commission's rules state:

A notice of appeal shall be filed by the aggrieved party within ten (10) days after a final decision of the Rent Administrator is issued; and if the decision is served by mail an additional three (3) days shall be allowed.

14 DCMR § 3802.2 (1991).

The filing of a notice of appeal removes jurisdiction over the matter from the Rent Administrator; Provided that if both a timely motion for reconsideration and a timely notice of appeal are filed with respect to the same decision, the Rent Administrator shall retain jurisdiction over the matter solely for the purpose of deciding the motion for reconsideration, and the Commission's jurisdiction with respect to the notice of appeal shall take effect at the end of the ten (10) day period provided by [§ 4014].

14 DCMR § 3802.3 (1991).

When the time period is ten (10) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

14 DCMR § 3816.3 (1991).

If a party is required to serve papers within a prescribed period and does so by mail, three (3) days shall be added to the prescribed period to permit reasonable time for mail delivery.

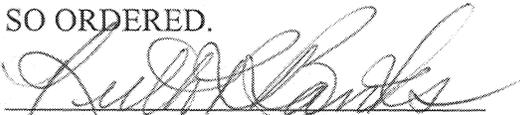
14 DCMR § 3816.5 (1991).

## B. The Analysis

In this case the time period commenced on October 31, 2002, which was the day after the OAD order denying the motion for reconsideration was issued and served by

mail. The thirteen day period provided in rules, 14 DCMR §§ 3802.2-.3 (1991), ended on November 19, 2002. In accordance with its rules, the Commission excluded weekend days and the Veterans Day holiday, to determine the last filing date for the notice of appeal. However, the Housing Provider/Appellant filed two notices of appeal in the Commission: one on November 20, 2002 and the second on November 22, 2002, which were both beyond the period the Commission could accept jurisdiction over the appeal, that ended on November 19, 2002. Accordingly, this appeal is dismissed. Cf. Marriott v. Dowling, TP 27,016 (RHC Jan. 29, 2002) (where the Commission dismissed an appeal that was improperly filed in the Office of Adjudication (OAD), but denied as untimely filed in the Commission, because it was late filed in OAD).

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Order Dismissing Appeal was mailed by priority mail with confirmation of delivery, postage prepaid, this 27<sup>th</sup> day of January 2003 to:

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