

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,616

In re: 75 Seaton Place, N.W.

Ward Five (5)

Diane A. Lyons
Tenant/Appellant

v.

Vita Pickrum
Housing Provider/Appellee

ORDER REJECTING FILED DOCUMENTS

September 5, 2003

BANKS, CHAIRPERSON. On September 9, 2002, the tenant filed the tenant petition. On January 7, 2003, Hearing Examiner Keith Anderson held the hearing on the tenant petition. On May 7, 2003, the hearing examiner issued the Rent Administrator's decision and order. On May 19, 2003, the Tenant filed a notice of appeal in the Commission. On August 12, 2003, the Commission issued its Notice of Scheduled Hearing and Notice of Certification of the Record, which advised the parties that they may file briefs. On August 26, 2003, the Tenant did not file a brief, rather she filed a copy of the Commission's notice with documents attached to it. The documents were: 1) a timeline beginning in 1998, which is beyond the three year statute of limitations in the Rental Housing Act of 1985, D.C. OFFICIAL CODE § 42-3502.06(e) (2001),¹ and the other information was in narrative form; 2) a contract for \$5500.00 from John C. Flood, Inc.

¹ D.C. OFFICIAL CODE § 42-3502.06(e) (2001), states in relevant part, "[n]o petition may be filed with respect to any rent adjustment, under any section of this chapter, more than 3 years after the effective date of the adjustment...."

for plumbing work dated March 29, 2003, which is after the tenant petition was filed on September 9, 2002 and heard on January 7, 2003, and therefore, is new evidence not admissible under 14 DCMR § 3807.5 (1991);² and 3) a Housing Deficiency Notice dated December 18, 2002, which is another date after the tenant petition was filed on September 9, 2002, and also cannot be considered by the Commission because it is new evidence, which cannot be considered by the Commission, pursuant to 14 DCMR § 3807.5 (1991). Accordingly, the documents filed by the Tenant on August 12, 2003 are rejected, because the first document violated the statute of limitations, and the other two documents constitute new evidence, which the Commission cannot consider.

Finally, the document did not contain a certificate of service in violation of 14 DCMR §§ 3801.8, 3803.7 (1991). See Assalaam v. Lipinski, TP 24,726 & TP 24,800 (RHC Aug. 31, 2000) at 22; Kamerow v. Baccous, TP 24,470 (RHC Jan. 28, 2000) (where counsel was required to comply with service requirements in future filings), cited in Steelman v. Uzomah, TP 27,629 (RHC June 3, 2003).

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

² The Commission's rule, 14 DCMR § 3807.5 (1991), states: "[t]he Commission shall not receive new evidence on appeal."

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER REJECTING FILED DOCUMENTS in TP 27,616 was mailed by priority mail, with confirmation of delivery, postage prepaid this 5th day of September, 2003, to:

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