

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,617

In re: 1205 7th Street, N.W., Unit 403

Ward Two (2)

MARKETA BARTELLE
Tenant/Appellant

v.

WASHINGTON APARTMENTS
Housing Provider/Appellee

ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT

January 26, 2004

BANKS, CHAIRPERSON. On September 9, 2002, Marketa Bartelle, Tenant, filed Tenant Petition (TP) 27,617. On December 2, 2002, Hearing Examiner Carl Bradford denied the petition in a decision and order. On January 9, 2003, he denied the Tenant's motion for reconsideration. On January 24, 2003, the Tenant filed a notice of appeal in the Commission, which held the appeal hearing on July 24, 2003. On January 21, 2004, the parties filed in the Commission a document entitled "Stipulation of Dismissal With Prejudice." The stipulation requested that the appeal be dismissed with prejudice by consent of the parties. Attached to the stipulation was a settlement agreement filed in the Landlord and Tenant Branch of the Superior Court.

Settlement of litigation is to be encouraged. The Court in Proctor v. District of Columbia Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984) required the Commission to consider: 1) the extent to which the settlement enjoys support among the affected Tenants, 2) the potential for finally resolving the dispute, 3) fairness of the proposal to all

affected persons, 4) saving of litigation costs to the parties, and 5) difficulty of arriving at prompt final evaluation of merits, given complexity of law, and delays inherent in administrative and judicial processes. Id. at 548. When a case is settled on appeal, the pending litigation will be considered moot, and further court action is unnecessary. Milar Elevator Co. v. District of Columbia Department of Employment Servs., 704 A.2d 291 (D.C. 1997). The Commission is required to review all settlement agreements that withdraw appeals, 14 DCMR 3824.2 (1991). Cited in Zurlo v. Marra, TP 27,349 (RHC Jan. 21, 2004); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003); Jefferson Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003).

In this appeal: 1) the settlement agreement was unanimous because it had the support of both parties; 2) the settlement agreement resolved all of the claims and issues between the parties in two forums, the court and the Commission; 3) each party was treated fairly with the Housing Provider receiving Tenant's rent deposited in the court registry and possession of the rental unit, and the Tenant received a promise of a letter of recommendation for another rental unit, the Tenant did not owe a rent payment due, because the owed rent was to be paid from the Tenant's security deposit, and the Tenant had the right to vacate the unit by January 17, 2004; 4) the agreement saved the parties litigation costs before the court and Commission; and eliminated further administrative delay in the processing of their claims.

Pursuant to 14 DCMR § 3824.2 (1991), the parties may file a motion to withdraw an appeal, and the Commission shall review the motion to ensure the rights of all parties are protected. The Commission reviewed the stipulation of dismissal and noted the interests of the parties are protected. Accordingly, the Tenant's appeal is dismissed with prejudice.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court's Rule, D.C. App. R. 15(a), provides in part: "Review of orders and decisions of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed ... and by tendering the prescribed docketing fee to the clerk." The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER DISMISSING APPEAL WITH PREJUDICE ON SETTLEMENT in TP 27,617 was mailed by priority mail, with confirmation of delivery, postage prepaid this 26th day of January, 2004, to:

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