

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,870

In re: 3227 11th Street, N.W.

ALTHEA PAUL
Tenant/Appellant

v.

FERNANDO MIRANDA
Housing Provider/Appellee

ORDER ON MOTION TO WITHDRAW APPEAL

May 17, 2004

BANKS, CHAIRPERSON. On December 17, 2003, the Rent Administrator issued a decision and order in Tenant Petition (TP) 27,870. Althea Paul, Tenant/Appellant filed a notice of appeal in the Rental Housing Commission on January 8, 2004. On April 27, 2004, Althea Paul, Tenant/Appellant, filed a motion to withdraw the appeal.

The Commission's rules, 14 DCMR § § 3824.1-2 (1991), state:

An appellant may file a motion to withdraw an appeal pending before the Commission.

The Commission shall review all motions to withdraw to ensure that the interests of all parties are protected.

The Commission reviewed the motion, which had a settlement agreement attached to it. The terms of the settlement agreement included this appeal and matters filed in the Landlord Tenant Branch of the Superior Court of the District of Columbia. Under the primary terms of the settlement agreement, the Tenant received funds deposited in the registry of the Superior Court and the Housing Provider received possession of the rental unit.

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 Dep't 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 Hernandez v. Gleason, TP 27,567 (RHC Mar. 26, 2004); Bartelle v. Washington Apartments, TP 27,617 (RHC Jan. 26, 2004); Zurlo v. Marra, TP 27,349 (RHC Jan. 21, 2004); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003); Jefferson v. Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003).

In this appeal, both of the parties agreed to the settlement and each party was represented by counsel; therefore, the settlement has the support of all the parties. The settlement agreement resolves all issues between the parties. The settlement appears fair, because both parties received consideration in the settlement. The settlement saves litigation costs for the parties and eliminates the difficulty of arriving at a prompt final evaluation of the merits of the Tenant's issues on appeal. Therefore, the Commission

determines that the interests of both parties are protected. Accordingly, the Tenant's motion to withdraw the appeal is granted, since the appeal is now withdrawn as moot.

See Milar Elevator Co., supra.

SO ORDERED.



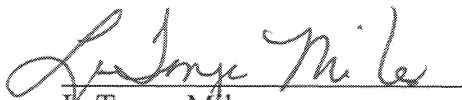
RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION TO WITHDRAW APPEAL in TP 27,870 was mailed by priority mail, with confirmation of delivery, postage prepaid this 17th day of May, 2004, to:

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