

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,920

In re: 1008 East Capitol Street, N.E.

Ward Six (6)

RONA FOOTE LAPRADE
Housing Provider/Appellant

v.

SUSAN KLINGBERG
Tenant/Appellee

ORDER ON MOTION TO EXPEDITE

June 1, 2005

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991), govern the proceedings.

I. THE PROCEDURES

On August 8, 2003, Susan Klingberg, Julie Kim, and Scott Bizub filed tenant petition TP 27,920 alleging: 1) the Housing Provider failed to file the proper rent increase forms with the Rental Accommodations and Conversion Division, and 2) the rent being charged exceeds the legally calculated rent ceiling for the rental unit. On May 6, 2004, Hearing

Examiner Carl Bradford issued the decision and order. On June 4, 2004, the Housing Provider filed a notice of appeal claiming error in the rent refund ordered by the hearing examiner to the Tenants. On August 10, 2004, the Commission held its hearing. On May 17, 2005, Susan Klingberg, Tenant, filed a motion to Expedite Judgment, which stated that she was moving out of the area in June 2005. She also noted the age of the case and the age of the pending appeal.

II. THE ISSUE

Whether to grant the motion to expedite.

III. THE LAW

Motions to expedite are governed by 14 DCMR § 3814.5 (1991), which states, “[m]otions for expedited hearings or other forms of expedited relief shall be acted upon promptly.” In accordance with the rule, the Commission is acting promptly, but allowed the three (3) business days for delivery of the motion to the Housing Provider, 14 DCMR § 3816.5 (1991), and the five (5) business days time period in 14 DCMR § 3814.3 (1991) for the Housing Provider to oppose the motion. Those two periods expired Friday, May 27, 2005.

IV. THE DISCUSSION

The Tenant is asking for an expedited decision by the Commission. The Commission reviewed its backlog and noted the time the appeal has been pending and reviewed the file in this appeal, which has only one primary issue, and a few subissues, all related to the rent refund calculated by the hearing examiner.

V. THE CONCLUSION

The Commission will expedite the decision in this appeal, but does not promise to do so before a specific date. The Tenant is urged to file a change of address if she moves from the area, as stated in her motion. Accordingly, the motion to expedite is granted.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION TO EXPEDITE in TP 27,920 was mailed by priority mail, with confirmation of delivery, postage prepaid this 1st day of June, 2005, to:

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