DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 28,106

In re: 4593 MacArthur Blvd., N.W., Unit 6

Ward Three (3)

JANE ANN S. WILDER
Tenant/Appellant

v.

LIDA L. ALLEN
Housing Provider/Appellee

AMENDED ORDER DISMISSING APPEAL

January 19, 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 October 22, 2004, Jane Ann S. Wilder, Tenant, filed a notice of appeal. On December 3, 2004, the Tenant, filed a consent motion to dismiss appeal based on a settlement agreement. The terms of the agreement require the Tenant to vacate her apartment on or before January 1, 2005, the Tenant does not pay December 2004 rent,

and receives $500.00 as refund of her security deposit. The Tenant also agreed to dismiss her appeal in the Rental Housing Commission. The Tenant[1] will receive all money deposited in the court registry.

II. THE LAW

The District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE § 2-509(a) (2001) provides for disposition of a case by settlement. 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. Cited in Jones-Coney v. Mitchell, TP 28,129 (RHC Dec. 8, 2004). 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 Miranda v. Paul, TP 27,870 (RHC May 17, 2004) 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).

[1] The amendment is the word, Tenant, was substituted for the words, Housing Provider. There was no opposition to the amendment.

Both parties signed the settlement agreement and that shows support for it. The settlement agreement finally resolves the claims on appeal in the Commission and it provides benefits for both parties. The settlement agreement saves the parties litigation costs and saves administrative delay inherent in the processing of the appeal.

III. THE CONCLUSION

The settlement agreement renders the appeal moot. Accordingly, the appeal is dismissed.

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 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 in TP 28,106 was mailed by priority mail, with confirmation of delivery, postage prepaid this 19th day of January 2005, to:

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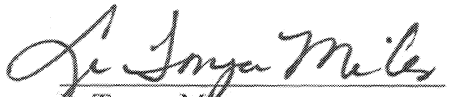

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