

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

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2009 JUN 18 A 10:42

SHIRLEY PRICE
Tenants/Petitioners,

v.

NOVO DEVELOPMENT, INC.
Housing Provider/Respondent.

Case No.: RH-TP-08-29224
In re: 945 Longfellow St., N.W., Apt. # 8

FINAL ORDER

On March 28, 2008, Tenant/Petitioner Shirley Price filed Tenant Petition (“TP”) 29224 with the Rent Administrator alleging the following violation of the Housing the Rental Housing Act of 1985 (the “Act”) by Housing Provider/Respondent Novo Development, Inc.: “A Notice to Vacate has been served on me/us which violates section 501 of the Act.”

This matter is governed by the Rental Housing Act of 1985 (the “Rental Housing Act” or the “Act”), D.C. Official Code §§ 42-3501.01 – 3509.07, the District of Columbia Administrative Procedure Act (“DCAPA”), D.C. Official Code §§ 2-501 – 510, the District of Columbia Municipal Regulations (“DCMR”), 1 DCMR 2800 – 2899, 1 DCMR 2920 – 2941, and 14 DCMR 4100 – 4399. As of October 1, 2006, the Office of Administrative Hearings (“OAH”) has assumed jurisdiction of rental housing cases pursuant to the OAH Establishment Act, D.C. Official Code § 2-1831.03(b-1)(1).

At the hearing on July 17, 2008, Petitioner appeared *pro se*, and Respondent was represented by its attorney. At the conclusion of Petitioner’s case, Respondent moved for

judgment in its favor as a matter of law. I conclude that Petitioner failed to prove her claim, and, therefore, I will dismiss this case.

I. Findings of Fact

Petitioner introduced no evidence, by way of testimony or exhibits, to substantiate her claim that Respondent served on her a notice to vacate the dwelling unit in question. Petitioner alluded to other concerns on her part in connection with her occupancy of the unit, but none of these matters referred or related to the claim as alleged.

II. Conclusions of Law

Section 501 of the Rental Housing Act provides:

Except as provided in this section, no tenant shall be evicted from a rental unit, notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant continues to pay the rent to which the housing provider is entitled for the rental unit. No tenant shall be evicted from a rental unit for any reason other than for nonpayment of rent unless the tenant has been served with a written notice to vacate which meets the requirements of this section. Notices to vacate for all reasons other than for nonpayment of rent shall be served upon both the tenant and the Rent Administrator. All notices to vacate shall contain a statement detailing the reasons for the eviction, and if the housing accommodation is required to be registered by this chapter, a statement that the housing accommodation is registered with the Rent Administrator.

D.C. Official Code § 42-3505.01(a).

The petitioner failed to carry her burden of proving her alleged claim that Respondent served on her a notice to vacate in violation of the Act. Since she failed to do so, Respondent is entitled to judgment as a matter of law, and the tenant petition must be dismissed. *See Hughes v.*

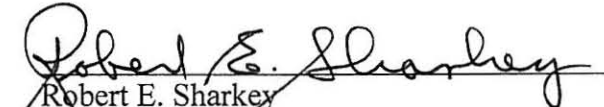
District of Columbia, 425 A.2d 1299, 1302 (D.C. 1981); D.C. Super. Ct. Civ. R. 52(c) and OAH Rule 2824.1; *Rosenboro v. Askin*, TP 3,991 and 4,673 (RHC Feb. 26, 1993).

IV. Order

Accordingly, it is this 17th day of June 2009:

ORDERED, that RH-TP-08-29224 is hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that the appeal rights of any party aggrieved by this Final Order are set forth below.


Robert E. Sharkey
Administrative Law Judge

Certificate of Service:

**By Priority Mail with Delivery
Confirmation (Postage Paid:**

Shirley Price
945 Longfellow Street, NW, #8
Washington, DC 20011

Morris R. Battino, Esquire
1200 Perry Street, N.E., #100
Washington, DC 20017

I hereby certify that on 6-18
2009, this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.

Benedetta Rhames
Clerk / Deputy Clerk

By Inter-Agency Mail:

District of Columbia Rental Housing
Commission
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Keith Anderson
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