

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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RECEIVED BY DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS
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ANN WEARY,
Tenant/Petitioner,

v.

ELSINORE COURTYARD MANAGEMENT,
Housing Provider/Respondent.

Case No.: RH-TP-08-29350

In re: 5311 E Street, S.E., Unit 109

FINAL ORDER

On July 3, 2008, Ann Weary filed a tenant petition with the Rent Administrator. The Rent Administrator transmitted a copy of the petition to the Office of Administrative Hearings. The tenant petition alleged that the Housing Provider's rent increase is greater than allowed by the Rental Housing Act of 1985 (D.C. Official Code §§ 42-3501.01, *et seq.*) (the "Act"). In the petition, Tenant also alleged that her security deposit was not deposited in an interest bearing account. The housing accommodation at issue is located at 5311 E Street, S.E. Unit 109.

On October 14, 2008, I issued a Case Management Order ("CMO") scheduling a hearing for December 23, 2008. Tenant/Petitioner Ann Weary appeared at the hearing on her own behalf. The Housing Provider did not appear. Pursuant to D.C. Superior Court Civil Rule 39-I(c), I proceeded with the hearing and the Tenant's testimony. At the hearing, the Tenant did not present any evidence to establish that Elsinore Courtyard Management acted as agent for the owner or received or was entitled to receive rents or benefits from the housing accommodation.

In order to afford Tenant the opportunity to present evidence to establish Elsinore Courtyard Management's relationship to the housing accommodation at issue in this proceeding, I issued an Order reopening the record and scheduling a hearing on May 8, 2009 at 9:30 a.m. At the hearing, the Tenant appeared on her own behalf and Allie Barnes, Property Site Manager and Charlene Matthews, Regional Property Manager, from Tini Associates, the Housing Provider's current property manager, appeared on behalf of the Housing Provider.

Before the commencement of the hearing, Ms. Barnes and Ms. Matthews indicated that the Housing Provider was willing to withdraw the rental increase previously sent to the Tenant and to instead increase the Tenant's rent by five percent, from \$552 to \$580 a month, effective July 1, 2009. The Tenant indicated that she agreed with this resolution of the matter and that upon receipt of written confirmation of the new rental increase she would withdraw her Tenant Petition.

On May 15, 2009, the Housing Provider filed two letters dated May 8, 2009, withdrawing the rental increases previously sent to the Tenant and increasing the Tenant's rent from \$552 to \$580 a month effective July 1, 2009. On May 27, 2009, the Tenant filed an undated letter indicating that she "accepts the proposal [from the Housing Provider]" and that she is "satisfied with the 5% increase, and there are no other concerns." Based upon the stipulation of the parties, I construe this letter to mean that the Tenant has withdrawn her tenant petition.

Therefore, based upon the entire record in this case, it is, this 16th day of June 2009:

ORDERED, that this action is **DISMISSED WITH PREJUDICE**, and it is further

ORDERED, that if either party believes this order is not an accurate reflection of the stipulated agreement in this case, that party shall have 15 days from the date of this order to file with this court a Motion For Reconsideration.

A handwritten signature in black ink, appearing to read 'Louis J. Burnett', written over a horizontal line.

Louis J. Burnett
Administrative Law Judge

MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the Rental Housing Commission begins to run.

APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(b) and 42-3502.16(h), any party aggrieved by a Final Order issued by the Office of Administrative Hearings may appeal the Final Order to the District of Columbia Rental Housing Commission within ten (10) business days after service of the final order, in accordance with the Commission's rule, 14 DCMR 3802. If the Final Order is served on the parties by mail, an additional three (3) days shall be allowed, in accordance with 14 DCMR 3802.2.

Additional important information about appeals to the Rental Housing Commission may be found in the Commission's rules, 14 DCMR 3800 et seq., or you may contact the Commission at the following address:

District of Columbia Rental Housing Commission
941 North Capitol Street, N.E.
Suite 9200
Washington, D.C. 20002
(202) 442-8949


Certificate of Service:

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

Ann Weary
5311 E Street, S.E.
Unit 109
Washington, DC 20019

Elsinore Courtyard Apartments
5312 E Street, S.E.
Washington, DC 20019
Attn: Allie Barnes, Manager

I hereby certify that on 6-14,
2009, this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk